

By Mr. DALE of New York: Petition of I. P. Taft, West Upton, Mass., favoring woman-suffrage amendment; to the Committee on the Judiciary.

Also, petition of Grand Lodge, Benevolent and Protective Order of Elks, United States of America, favoring passage of the game-refuge bill, House bill 11712; to the Committee on Agriculture.

By Mr. DOOLITTLE: Petitions of sundry railroad employees of the fourth district of Kansas, favoring measures to avert a strike by trainmen; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Petition of the Business Men's League of St. Louis, Mo., for settlement of railroad difficulties by Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDS: Petition of Philadelphia Board of Trade against House bill 15455, establishing a United States shipping board; to the Committee on the Merchant Marine and Fisheries.

By Mr. FESS: Petition of 196 citizens of Logan County, Ohio, favoring a Christian amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of H. C. Davison & Co., protesting against passage of the Ransdell amendment to the revenue bill; to the Committee on Ways and Means.

Also, petition of Grand Lodge, Benevolent and Protective Order of Elks, United States, favoring passage of game refuge bill, House bill 11712; to the Committee on Agriculture.

By Mr. FULLER: Petition of 42 railway employees of Streator and 39 of Coal City, Ill., against a general strike; to the Committee on Interstate and Foreign Commerce.

Also, petition of Grand Lodge, Benevolent and Protective Order of Elks, favoring passage of the game refuge bill, House bill 11712; to the Committee on Agriculture.

Also, paper to accompany House bill 17344 to increase the pension of Byron Lee; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Papers to accompany House bill 17538 to increase pension of Benjamin B. Griffith; to the Committee on Invalid Pensions.

By Mr. KAHN: Papers to accompany bill for the relief of Pearl S. O'Neill; to the Committee on Claims.

Also, petition of 143 citizens of San Francisco (Cal.) employees of the Atchison, Topeka & Santa Fe Railroad against a strike of railroad employees; to the Committee on Interstate and Foreign Commerce.

Also, memorial of San Francisco (Cal.) Chamber of Commerce urging that proposed railroad strike be settled by Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of San Francisco (Cal.) Chamber of Commerce favoring passage of House bill 16707; to the Committee on the Judiciary.

By Mr. KEISTER: Memorial of churches of Manor, Pa., asking for an investigation of the Mormon hierarchy by the Department of Justice; to the Committee on the Judiciary.

Also, memorial of churches of Manor, Pa., urging refusal of the rights of the mail to the Mormon churches; to the Committee on the Post Office and Post Roads.

Also, memorials of churches of Manor and citizens of Zelienople, Pa., favoring amendment abolishing polygamy in the United States; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of railroad employees of Nebraska asking Congress to empower the Interstate Commerce Commission to settle present differences between employers and trainmen; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOYD: Petition of railroad employees in the first Missouri district, protesting against the proposed strike; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: Petition of Arthur Booth, director of Natural Gas Association of America relative to Senate bill 6843, making natural gas lines common carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petition of Washington Park Methodist Episcopal Church, Providence, R. I., favoring a Federal motion-picture commission; to the Committee on Education.

By Mr. SLOAN: Petition of Arthur Myatt and 18 others, of David City, Nebr., relative to settling wage controversy; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of J. Q. Foy and 28 others, of Battle Creek, Mich., against Senate bill 5677, compulsory Sunday observance bill; to the Committee on the District of Columbia.

Also, petition of J. Q. Foy and 30 others, of Battle Creek, Mich., against House bill 13778, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. M. Canfield and 22 others, of Battle Creek, Mich., against House bill 652, to provide for closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

SENATE.

SATURDAY, August 19, 1916.

(Legislative day of Friday, August 18, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Overman	Smoot
Brady	Hughes	Owen	Sterling
Brandeggee	Husting	Penrose	Stone
Bryan	Johnson, S. Dak.	Pittman	Taggart
Chamberlain	Jones	Robinson	Thomas
Clapp	Kern	Shafroth	Thompson
Culberson	Lane	Sheppard	Tillman
Cummins	Lea, Tenn.	Sherman	Vardaman
Dillingham	McCumber	Simmons	Wadsworth
Gallinger	Myers	Smith, Ga.	Warren
Gronna	Nelson	Smith, Md.	Williams

Mr. JONES. The junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent on account of illness in his family. I will let this announcement stand for the day.

Mr. THOMPSON. I wish to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is absent on account of illness.

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. CURTIS answered to his name when called.

Mr. FLETCHER, Mr. JAMES, and Mr. ASHURST entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is a quorum present.

THE "BLOODY SHIRT" AND SECTIONALISM.

Mr. TILLMAN. Mr. President, we have inherited from our predecessors a custom in the Senate which is very convenient, but which to an outsider is very silly and causes much waste of time. It permits Senators who obtain the floor to address themselves to any subject and speak on any question they like regardless of the bill under consideration. Availing myself of that practice I shall not touch on the unfinished business now pending, for I think I have an equally important matter to present.

Mr. President, I will leave for my home this evening, and in taking leave of the Senate, a few days in advance of its adjournment—after having, I trust, performed the best service to my country of which I am capable—I would feel that I had still left something undone, some part of my duty unfulfilled, if I did not express my sorrow and my great surprise at what appears to be a deliberate effort to raise in our present national campaign an issue which I had hoped and believed was long since dead.

But please understand me and believe me when I say that I refer to it at this time and in this place in no partisan spirit and for no partisan purpose, for if that were my motive I would be guilty of the very thing I feel called upon to condemn.

It must have surprised and shocked you, Senators, as it has shocked most of our common country, to find that more than 51 years after Appomattox, when all the great chieftains of our fratricidal struggle have passed over to the other side—where there is no North, no South, no East, no West, but only the glory of God everywhere—that a candidate for the high office of President of these re-United States should have thought it necessary, or even permissible, to drag forth that old blood-and-mud-bespattered banner of sectionalism, the "bloody shirt," and wave it over the heads of the present generation of Americans.

Yet, as surely as we live, we have seen the presidential candidate of one of our great parties do this thing; the burden of his complaint being that a majority of the leaders of the other party hail from the southern section of this great country. Of course, if this be true as to Congress, he knows, and you and I

know, that for the most part they have attained to their present rank by reason of long service, or seniority, just as I have done. Some of our distinguished colleagues on the other side of the Chamber, from the East and West, will fall heir to similar positions should the political scales be turned next November.

But that aspect of the situation does not so much matter, nor does any of it matter so much as the mere suggestion that in this day and time there can be drawn in this country of ours a geographical line beyond which men may not aspire to high place in our National Government, or that one political party is less to be trusted than another because a majority of its leaders hail from any section of our country; that the South is a Nazareth from which no good thing can come.

If this be true, my countrymen, then our great Civil War was fought in vain, for it did not reunite, but only served to further separate us. All our heroes have died in vain.

But who will say it is true in the face of all that we have seen these 10, 20, 30 years past; that we are still seeing to-day everywhere about us?

I say I had hoped and believed that "sectionalism" was long since dead—even as a means to an end in political battle—for when some 18 years ago I heard your lamented McKinley—I will say our lamented McKinley—say, "Let's care for Confederate graves as our own, for we were but brothers after all," I said, "Surely the war is over."

And when I saw another Republican President, broad of mind and liberal of heart, elevate to the Chief Justiceship an ex-Confederate soldier, a Catholic, and a Democrat, I said, "Surely this is one country, with one flag and one God."

Then when I saw chosen as President a man born and educated in the South, of a Scotch mother and Ohio father, but elected from New Jersey, I said, "Surely we have come forth from the 'melting pot' a new race of people, and a stronger race than ever the sun shone upon. We know neither North nor South nor East nor West, but only that a good American is a good American, no matter whence he comes or where he goes."

And if this be not the America of to-day, then it is not the America for which Adams, of Massachusetts, planned and Washington, of Virginia, fought.

It is not the America that is symbolized by Bunker Hill or Valley Forge or Yorktown or Cowpens or Kings Mountain, in my own beloved Carolina.

If during the last 20 years I have done aught in this Chamber or elsewhere to keep alive the smoldering fires of sectionalism, let me say to-day that they have long since died out of my own heart and in the land from whence I come. I had no such purpose, but only to defend the South when unjustly attacked and to justify its actions under conditions which you men can never realize imposed by the reconstruction acts. There is a very small remnant among us who still treasure up the memories and hatreds of the war.

I did not earn the nickname of "Pitchfork" on account of my partisanship. It was due to the bluntness and frankness with which I spoke. One year, at the most two, sufficed to make all the Republicans in the Senate know that while radical and uncompromising, my word could be relied on always, and many of the warmest friends I have had as a Senator have been the Republicans whom I have known here. My mother taught me to despise hypocrisy and lying above all else, and I owe this personal characteristic to her. If I ever did hate the northern people—and I confessed to that the last time I spoke here—that hatred and partisanship has died out of my heart; and the pitchfork, if it was considered the emblem of it, has long since been buried. From its grave an olive tree has grown, and I am tendering the olive branch, claiming to represent the South in doing so, to all northern people.

Let me, if I may, before taking leave, to meet you again by the mercy of God, in December, hold it out to you, and through all of you, to the constituencies which you represent, in the earnest hope that it may silence this unjustifiable and unseemly cry of "sectionalism," even as it once heralded the receding waters of the deluge.

I read in the newspapers a day or two ago of a "one-man parade" up Pennsylvania Avenue; a lone Union veteran, unheralded and alone, marching in celebration of his own enlistment in the Civil War. While I accord full credit to him for the patriotism that prompted him to respond to the colors then, and can understand and excuse the vanity even of such an expression of it to-day, I could not but be reminded of that other lone figure that has gone parading and spouting about the country—a veteran of neither side in any way—waving the banner of "sectionalism" before the people who are trying to forget, if indeed they have not already forgotten.

But, in contrast with this "one-man parade," I foresaw another parade that is to take place on Pennsylvania Avenue next spring; when at the invitation of the Grand Army of the Republic the Grand Army of the Confederacy, that was, shall march shoulder to shoulder, no longer foes, but friends and fellow citizens of a reunited country. I ask you, Senators and fellow countrymen, if we may not in spirit, at least, march with them to the greater glory of God and our loved country!

Speaking more for the section of our common country from which I come, let me prophesy that should time ever be when an invading foe seeks to set foot on our country's soil, the same fort that fired the first shot in our great Civil War will blaze forth again in defense of the flag. Or rather, I should say, this would its neighboring fort do—Moultrie—which won the first victory in the Revolutionary War when it drove off Sir Peter Parker's fleet; for Sumter—like sectionalism—is long since obsolete.

In this presence, only a few day ago, I took occasion to say—and I have no desire to retract or qualify it—that I had come to believe that the great war, which that first shot at Sumter ushered in, but did not instigate, ended in the way that was best for all concerned.

In saying this, however, I waived nothing of the principle and patriotism which prompted our fathers to fight your fathers; nor would I detract one iota from the great principles and patriotism that prompted your fathers to fight our fathers. I only say that we of the present day, even we who had some glimpse of the bitterness of those days, now happily gone—in the light of new conditions, and guided by new ambitions and new hopes for our common country—we, as the sons of those patriotic fathers, and heirs to all that they and their fathers before them created for us and our children and grandchildren who are to come after us, may find comfort and glory in the thought that ours is a reunited, strong, buoyant Nation; standing shoulder to shoulder and hand in hand, looking forward, not backward—prepared for any emergency.

The country belongs to us all, and we all belong to it. The men of the North, South, East, and West carved it out of the wilderness and made it great among the nations of the earth. Let us share it with each other, then, and serve it, giving to it the best that is in us, of brain and brawn and heart.

COMPENSATION OF INJURED EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15316) to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes.

Mr. SMITH of Georgia. Mr. President, the unfinished business this morning is the bill to provide compensation for employees of the United States suffering injuries while in the performance of their duties. This bill, which has passed the other House, is practically the same bill which was introduced into the Senate by the Senator from Indiana [Mr. KERN].

Mr. OVERMAN. Is it practically the same bill which was reported from the Judiciary Committee?

Mr. SMITH of Georgia. No; it, I think, is a better bill than the one which was before the Judiciary Committee; a more comprehensive bill; a more carefully constructed bill, and a bill that will meet with more general approbation.

We amended the bill which was first introduced into the Senate, which was considered by the Judiciary Committee, in a number of respects before we approved it and reported it. The bill had already passed the other House. The simpler way of reaching the subject is to consider the House bill.

This bill has received a great deal of thought and cooperation in its preparation from the philanthropic organization in New York City, which has devoted so much time to the study of compensation bills, and which has aided in the preparation of bills for probably two-thirds of the States.

As we know, our present statute, which was passed in 1908, provides compensation in the shape of one year's salary to employees. This bill is constructed upon the theory that if permanent, complete disability follows, the compensation shall be two-thirds of the salary, the salary to be estimated at not exceeding \$100 per month. Upon the same line, but, of course, not so large in the case of death, the compensation goes to the widow and the children, with about the provisions for a single child or for more than one child that are found in most compensation bills, perhaps a little more liberal than most of the State statutes.

Mr. GALLINGER. Mr. President, the Senator has examined this matter very carefully, and I will ask him if, in his judgment, the bill now before the Senate is a better bill than the bill introduced by the Senator from Utah [Mr. SUTHERLAND] and reported by that Senator and now on the calendar?

Mr. SMITH of Georgia. I think the pending bill is one to which more careful and mature thought has been given, and I think probably the organization in New York to which I have referred and which, as I understand, embraces in its membership a number of able and splendid people who have devoted themselves for a long time to the study of State bills on this subject, has contributed a good deal more to this bill than to the other; and, reading it carefully, it has impressed me as being almost perfect, if we limit the payments to an estimated salary of \$100. I have favored a larger sum.

Mr. GALLINGER. I will ask the Senator if, in comparing the bills, which I have not had time to do, the allowances under the bill now before the Senate are a little more liberal than in the so-called Sutherland bill?

Mr. SMITH of Georgia. Except in one regard. We amended the bill in the Judiciary Committee so as to extend the limit as to salary to \$150, and we allowed a proportion of a salary of \$150 if the salary went that high. The pending bill limits the salary to \$100. I have myself always been inclined to find it difficult to understand why we should accept any limitation upon the salary in arriving at a basis for payment on account of injuries received. Of course, the argument is that the purpose of this bill is to furnish a means by which a person could live conservatively and frugally.

Mr. GALLINGER. Well, after all, there is not any substantial or fundamental difference between the two bills, is there?

Mr. SMITH of Georgia. I do not think there is any fundamental difference. I think this bill is more complete, but it involves exactly the same principle.

The Senate committee has reported an amendment, for which I am responsible, and to which I concede there is a good deal of opposition. I know it presents a difficulty, but I believe very thoroughly in it. The amendment adopted by the Senate committee provides that where the negligence of the employee contributes in whole or in part to the cause of the injury, the commission in charge may lessen the amount of compensation to be given proportionate to the injury, provided that in no case shall it lessen it more than 25 per cent. I am aware of the difficulties about this suggestion. The subject of compensation to injured employees is one which has had a great deal of attention from me for a number of years past. I think we are drifting in our philanthropic purpose to serve humanity into the danger of a failure entirely to recognize the differences between men. In our public schools our greatest trouble is that we mass the pupils and give little chance for the brighter to advance more rapidly. We are moving them all up to some extent, but we are checking some too much. I think the danger lies in disregarding the opportunities of men. I know the intense feeling against the use of so-called efficiency systems in connection with Government work, whereby the amount of work each man does is carefully watched and his compensation based upon it. There is a humanitarian side to this view, but there is also a dangerous side to it. We must not stop recognizing the difference in quality of the individual men in this country. We ought to be careful to give to the man who works harder and who has developed faster from his application the chance to rise faster.

Mr. WARREN. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. SMITH of Georgia. I do.

Mr. WARREN. Noting the reduction sought to be made where the sufferer has contributed to the injury by carelessness, does the Senator believe that that offer that he has made is going to make men more careful?

Mr. SMITH of Georgia. I do.

Mr. WARREN. Or is it a mere matter of saving of money, or is it both?

Mr. SMITH of Georgia. I have more in view, saying to them: "Your Government recognizes somewhat the difference between the careful and the careless." I object to the compensation bill undertaking to say that the careless man shall have exactly the same amount that the careful man has; but I was illustrating my thought by what I was saying about our general tendencies in all directions. I have the utmost sympathy for every humanitarian purpose to serve the weak. I have the greatest sympathy for the injured, even though they are negligent; but I do believe that one of the dangers of our legislation in favor of social justice to-day is that we are almost entirely omitting to impress upon the people the difference between the man who will make the full effort and the man who will not. There ought to be some stimulus and some reward always held out for the vigilant and the careful. While I would treat with the utmost kindness the unfortunate, no matter from what cause, the real object I have in desiring this amendment is sim-

ply to emphasize the proposition that we do make some distinction. I would not care how little it was. I am not after the amount; I am not after punishing anybody; but I can not accept as sound the doctrine that the altogether careless should be treated just as the altogether careful.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. SMITH of Georgia. I yield to the Senator.

Mr. CUMMINS. The Senator knows that there are some States that for years have had the standard of comparative negligence in determining liability. There are some States which have adopted the rule that any contributory negligence bars a recovery. Does the Senator think that there are fewer accidents, relatively, in those States which have the comparative rule than in those which have the absolute rule that I have mentioned?

Mr. SMITH of Georgia. I do not see why there should be.

Mr. CUMMINS. For this reason: In my State, for instance, any contributory negligence bars recovery—that is, until the passage of the compensation bill—and in Illinois there is the doctrine of comparative negligence. Now, it would seem that under the Senator's reasoning the employees of Iowa ought to be more careful and vigilant than in Illinois, and that there ought to be fewer accidents, therefore, in my State than in Illinois, relatively. I am sure the Senator would not assert that there are fewer accidents in a State that has the absolute rule of contributory negligence than in those States which permit a recovery—a partial recovery, if you please—where both contribute to the injury.

Mr. SMITH of Georgia. No; I can not say that my observation is to that effect.

Mr. CUMMINS. Then, it would not work so in this instance, would it?

Mr. SMITH of Georgia. It might; yes. To change from absolute loss of right of recovery due to negligence to entire right of recovery without reference to negligence is a far greater step than to change from absolute loss on account of negligence to comparative loss, as was the rule in Illinois. I believe that if we adopt the doctrine of complete compensation for the entirely negligent with the entirely careful the tendency will be to lessen the stimulus to care.

Mr. CUMMINS. I only suggested the illustration which I named in order to show that it did not stimulate care. The employees of my State were no more careful than the employees of Illinois, although any want of care contributing to the injury in my State defeated all recovery.

Mr. SMITH of Georgia. And I said, Mr. President, in reply, that there is a much greater step from loss of all recovery on account of negligence to entire recovery without regard to negligence than there is from loss of all recovery on account of negligence to a comparative recovery on account of negligence. In the one case there is partial recovery; in the other case there is no recovery; and in the third case there is complete recovery for the entirely negligent right alongside of the entirely careful.

I do not believe, Mr. President, in announcing the doctrine that a man entirely free from negligence is to be treated exactly in the same way as a man who is entirely negligent and entirely responsible for the injury that comes to him. I do not care how small the difference may be. I am not after taking the money away from him. I dislike to see the national standard announce the doctrine that the two stand exactly upon the same plane. I believe, as I said before, that our general tendency in legislation is not sufficiently to recognize merit, and too much it does away with those things that recognize merit.

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia further yield to the Senator from Iowa?

Mr. SMITH of Georgia. I do.

Mr. CUMMINS. It is true, is it not, that this bill has for its chief object the support of dependents when injury comes to the supporter of the family—that is, to the widow if death ensues, to the children or to the family if there is total or partial disability? The penalty which the Senator from Georgia seeks to impose will fall upon the widow and the children or the dependents of the person who suffers the accident. They are not in anywise to blame, and the very thing that we are trying to do will be in part prevented if the amendment of which the Senator is speaking is adopted.

Mr. SMITH of Georgia. The Senator is mistaken in one respect. The amendment provides that the reduction shall not apply in case of death, but that the compensation to the widow or the children shall be the same.

Mr. CUMMINS. I only used what I said as an illustration. I understand the amendment.

Mr. SMITH of Georgia. Yes; I simply mentioned that.

Mr. THOMAS rose.

Mr. SMITH of Georgia. Just one word further, and then I will yield to the Senator from Colorado. The Senator says that under the other circumstances we take from the dependents. Mr. President, there are dependents on men who make a \$200 salary. There are dependents on men who make a \$50 salary. One makes four times as much as the other. They are equally dependent; but as the man who makes the \$200 has developed greater earning capacity and has more force and effectiveness for accomplishment in him than the man who makes \$50, so his dependents turn to a support with four times the resources. Now, the dependents upon a man who is negligent and who negligently brings on his own injury have not the same man to depend upon as have those who depend upon a man of care and a man of watchfulness.

Mr. THOMAS. Mr. President, if the Senator will permit me, I should like to suggest another reason in support of the position which he is asserting. I have no doubt that it has occurred to the Senator, but it is this: All the statutes with which I am familiar upon this subject make the distinction which the Senator insists should be made here. Of course, those statutes are not applicable to Government employees. Now, is it just or fair that we should establish by statute a distinction which is a preference for the Government employee that does not exist with the man who works for a private employer? Is there any reason why this distinction should exist, and is there any reason why it should be removed from the existing statutes with regard to private employment? It seems to me that it is a fundamental basis for all of these compensation acts.

Mr. SMITH of Georgia. I certainly think not.

Mr. CUMMINS. Mr. President, just a moment. I should like to ask the Senator from Colorado a question. I think there may be some misapprehension about it. The Senator from Colorado says that most liability laws recognize the distinction sought to be introduced in this bill, and I believe he is right about that; but he would not say, I think, that most compensation laws passed by the various States recognize these distinctions.

Mr. KERN. Exactly the contrary.

Mr. THOMAS. As far as my recollection goes, Mr. President, they do; and they ought to if they do not. Certainly the employee who is careful and diligent in looking after his own welfare and that of his employer should be distinguished from the negligent and careless individual whose injury is or may be the consequence of his own lack of diligence and care.

Mr. HUSTING. Mr. President—

Mr. SMITH of Georgia. I yield to the Senator from Wisconsin.

Mr. HUSTING. I want to say to the Senator from Colorado, if the Senator from Georgia will permit me, that I think in most of the States having a compensation act—and I am positive that in Wisconsin, my own State—the compensation does not depend upon negligence or contributory negligence. The only exception is willful negligence, or wanton injury brought about purposely. The principle underlying those laws is that the compensation is not given because of the diligence or denied because of the want of diligence, but is given because it is held and believed that an injury in a certain occupation, whether caused by negligence or without negligence, should be charged to that occupation as an overhead expense that ought to be paid and that this particular occupation or enterprise should sustain.

Mr. THOMAS. Mr. President, if the Senator from Georgia will permit me—

Mr. SMITH of Georgia. I yield.

Mr. THOMAS. I am not as familiar with all the statutes upon the subject as others. As far as my recollection goes, the rule, I think, is as I have stated it. Now, I have always, since 1883, contended for the abolition of the old common-law doctrines of assumed risk and negligence of a fellow employee; but I never have been able to reconcile my notions of justice with the doctrine which places the negligent and the careless and the inconsiderate upon the same plane with the careful and the efficient and the diligent.

Mr. HUGHES. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. SMITH of Georgia. I do.

Mr. HUGHES. What I intended to say I expected to direct to the Senator from Colorado, who has left the Chamber; and I do not know that it is worth while, because it seems to me

the view he holds can hardly be held by any great number of Senators in this body.

The distinction the Senator fails to make appears to me to be this: We are not now pretending to compensate a man for any injury he may receive. We are not compensating him as the ordinary jury would compensate him; neither do the various compensation acts of the various States of the United States. In my State any citizen of the State can waive any benefits he may derive under the act and go into an employment free from the assumed risks which the Senator speaks of, and in case of injury or death he or his representatives can lay the matter before a jury, in which case he would receive infinitely more than he would receive under this act.

This is, as the Senator from Iowa said, a compensation proposition in which the employee waives a great deal of what he might expect to receive, and in which the Government waives a great deal that it might demand even if it were a private employer, and they compromise their differences and agree that these accidents, avoidable or unavoidable—because we all know the weaknesses to which human flesh is heir—shall fall, as the Senator from Wisconsin says, upon the particular industry; and there is to be no hairsplitting and no long and fine drawn out technicality as to whether or not the man has conducted himself as he should have conducted himself at the particular moment when the injury occurred.

I was a common pleas judge of my State when the compensation law was recommended by the governor, the present President of the United States, and enacted by the legislature. It was my duty to administer the law. I can remember one case in which the Erie Railroad, a corporation operating through the public streets of my city, had an employee who, off the railroad property, was struck by an automobile and killed. The railroad company then set up the point that this man was practically not in their employ, but was killed by an outsider. I held that the mere fact that he was an employee of theirs and was killed while he was in their employ entitled him to the benefit of the compensation act. That decision was carried to the highest court of my State and was there sustained. Such a thing, of course, would be unheard of under the ordinary operation of liability laws such as the Senator was referring to.

I think this is a wonderful step that we are taking now; but I must differ with the Senator from Georgia with reference to the amendment that I see proposed in this bill.

Mr. SMITH of Georgia. Mr. President, I can not accept as sound the doctrine that by legislation you can take away one man's rights who is careful and give them to another man who is careless; and a compensation act which undertakes to force such a doctrine upon men employed in labor is unjust and, in my opinion, indefensible. This bill, however, does not occupy that position. These are employees of the Government. They can not sue the Government; they have no right of action against the Government, and it is a broad effort to provide for them with greater liberality than has been done in the past. I think I can say that it is more liberal than the laws of the States, certainly than any that I have examined. It is more liberal than the law of New Jersey, to which the Senator who has just left the Chamber referred.

Mr. HUGHES. I have not left the Chamber.

Mr. SMITH of Georgia. He is sitting behind me. I am glad he is still here. It is more liberal than their law.

Mr. President, for many, many years, for a century, an extreme doctrine was held about the nonliability of a master for injury to his servants. The negligence of his servant freed him from liability. The extreme and, I think, inexcusable doctrine also was adhered to in England for quite a length of time, until changed by statute, and in many of the States of the Union, particularly in New Jersey, that master was entirely free from liability for injuries caused by the negligence of a coemployee. I think that doctrine was extreme and almost brutal.

But, Mr. President, when we came to pass a national statute upon the subject of employers' liability in connection with corporations engaged in interstate transportation we did not provide for absolute liability to an injured employee who was negligent; we provided for comparative liability and for a reduction in proportion to his negligence.

We have in the last few years reached a new theory, one of compensation, and I think it is wise and in many respects just, but we are seeking to swing entirely away from all remnants of the recognition of negligence.

I disapprove the old rule. In my own State I succeeded in having it modified by statute years ago. I have been fighting those old rules for 30 years.

But, Mr. President, the danger always is that when we find something of evil and desire to substitute something that is good, the humanitarian spirit that makes the substitute is apt to leave out something that is good in the old law.

What I object to in the extreme compensation theory is that it gives no regard at all to the difference between the status of the careful and the status of the careless. I do not care how small it is; I only ask that the law recognize a man who does his full duty as occupying at least a little different position from the man who is careless. I think we should keep before our people all the time everywhere the inspiration to effort, the inspiration to exertion, the inspiration to development, the inspiration to the highest possible proficiency in whatever line of occupation may be pursued. I think we should seek always to inspire the highest degree of care. It is the development of our people for which we long. Our forefathers established this country; they fought for our liberties; they gave us our Constitution that we might here have an opportunity to develop the greatest, the freest, the best people whom the world has ever known.

Now, let us not do away with all things that inspire effort. Let us not in our purpose to alleviate evil forget that if our standard of manhood is to continue to grow, if the character of excellence of our people is daily and yearly to be better and higher, we must keep before them the thought of individual responsibility and individual effort.

I believe in this amendment. I do not care for the percentage. I do not care if you cut it to not more than 10 per cent. I just want to say that we recognize somewhat the difference between care and negligence.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I do.

Mr. GALLINGER. I assume the Senator's amendment is a very liberal departure from the old doctrine of contributory negligence.

Mr. SMITH of Georgia. Oh, yes, Mr. President.

Mr. GALLINGER. But it recognizes the fact that negligence ought to be taken into account to some extent.

Mr. SMITH of Georgia. That is all I ask; only they can not reduce it over 25 per cent. They are not obliged to reduce it that much, but in proportion to the negligence.

Mr. GALLINGER. It strikes me that the principle involved in the amendment is a very sound one. I agree with the Senator that care should have more consideration than negligence on the part of employees everywhere.

Mr. KERN rose.

Mr. SMITH of Georgia. There is just one other amendment that I wanted to bring to the attention of the Senate. I will be through in a moment.

The only other amendment to which I desire to direct attention is one which I will offer transferring the force now connected with this work in the Department of Labor to this commission.

Mr. KERN. Mr. President, I regret exceedingly that I can not support the amendment of the committee. The Senator from Georgia seems to have confused in his mind employers' liability laws and compensation laws. Compensation laws have been enacted in 32 States of the Union. Full compensation laws have been enacted in some 22 or 25 States of the Union. In none of them which are now in force is the question of contributory negligence taken into account. These statutes that have been placed upon the statute books have been the result of great study and research on this question. The subject has received the profound thought of the best economic thinkers in the country, and it is the universal consensus of opinion that while the doctrine of comparative negligence or contributory negligence ought to have a place in the employers' liability law yet in compensation laws they are entitled to no place at all.

A compensation bill, and a very good one, was introduced by the junior Senator from Utah [Mr. SUTHERLAND]. That bill was referred to the Judiciary Committee of the Senate, and after a very thorough investigation a report was made which deals with the very question under discussion. Senator SUTHERLAND in his bill made no exception as to contributory negligence cases, and in discussing that feature of the bill the Senate Judiciary Committee makes the following comment, which with the permission of the Senate I will read:

In the English law "serious and willful misconduct of the employee" precludes compensation; in British Columbia "the serious and willful misconduct or serious neglect" excludes compensation; Denmark and Finland "intentional or gross negligence"; in France intentional injuries are excluded and in case of inexcusable fault on the part of the employer or employee, the compensation is increased or decreased; in New

Zealand "serious and willful misconduct" excludes; in Russia "intentional or gross imprudence." On the other hand, in Austria, Belgium, Greece, Hungary (unless fatal), Norway, and other countries compensation is refused only in the case of "intentional" injuries.

I might add here, Mr. President, that every country in the world save Turkey has enacted liberal compensation laws, and in the countries that I have named the employee is not denied compensation on account of contributory negligence.

Now, let us get at the reasoning of the committee. The proposition is stated very clearly.

Mr. SMITH of Georgia. If the Senator will yield to me a moment, that is the reasoning of Senator SUTHERLAND, not of the committee. He made the report for the committee. I served on the subcommittee with him, and he and I prepared the bill. He reported it. I never suggested this amendment before the committee. It is the reasoning of Senator SUTHERLAND, who alone is responsible for that report.

Mr. KERN. It is very excellent reasoning, no matter from whom it has come.

Mr. SMITH of Georgia. I am not questioning that. I just did not wish as a member of the Judiciary Committee to be considered to be a party to the reasoning.

Mr. KERN. This report was made by Senator SUTHERLAND on behalf of the Judiciary Committee, and there was no dissent, either from the report itself or from the conclusions stated by him. It will interest the lawyers of the body to know that this reasoning comes from so able and careful a lawyer as the junior Senator from Utah:

Various laws which in any way recognize the element of negligence or misconduct as precluding or affecting compensation have led to much litigation in order to arrive at their scope and meaning. The objection to all such limiting provisions is that the law is deprived of one of its chief virtues, namely, the element of certainty. Of course, such provisions will have the effect of sometimes preventing the payment of compensation where in strict justice it ought not to be paid, but that is more than offset by relieving the administration of the law of the element of uncertainty, the presence of which would bring hardship and injustice upon a much larger number of employees. Every lawyer understands how difficult it is in modern industry to determine whether given conduct is negligent. What appears as such is sometimes only the selection, often necessarily hasty selection, of one of two methods of doing a piece of work, when upon a cool survey of the entire situation afterwards it is seen that the other method would have been safer. So-called negligence is frequently so affected by other circumstances, particularly in modern complicated industry, that it sometimes becomes exceedingly difficult to determine whether the negligence or some other circumstance was the controlling cause of the accident. Perhaps one-half of the accidents occurring under the present complex industrial conditions is the result of fortuitous circumstances for which nobody is to blame. Under these circumstances modern compensation laws are more and more rejecting the element of negligence altogether, and are basing their compensation upon the fact of injury and not of fault.

Now, the Senator from Georgia has offered another amendment, and I may consider the two together. The other amendment provides that instead of the questions growing out of this law being referred to a commission organized for that purpose they shall be determined by a division of the Department of Labor.

Mr. SMITH of Georgia. The Senator is mistaken. I have not offered any such amendment to the bill. It is that the force now engaged under the act of 1908 in the Department of Labor handling the present pay be transferred to the commission and be their employees entirely independent of the Department of Labor.

Mr. CUMMINS. Mr. President, just a moment. The Sutherland bill, the report upon which is now in the hands of the Senator from Indiana, provides that the law shall be administered by the Secretary of Labor. I intend before the consideration is finished to offer an amendment to the House bill restoring the administration of the law to the Secretary of Labor.

Mr. SMITH of Georgia. If the Senator from Indiana will pardon me one moment, on the contrary, I most cordially agree with the view of the bill that it can be best administered by this independent commission.

Mr. KERN. I am glad to know that I was mistaken in my statement as to the effect of the Senator's proposed amendment. But, however, the law is to be administered whether by a commission or whether by a division of the Department of Labor, the proposed amendment will introduce into the administration of the law a constant source of annoyance and interference. As stated in the report from which I have just read, the question as to what is contributory negligence and what is not contributory negligence comes up in a thousand different ways. It is a matter of constant dispute. Under the old system one-half the time of counsel in damage cases was occupied in discussing the question as to what was contributory and what was not contributory negligence. Pages and almost volumes of court decisions have been occupied in a discussion of the legal question as to whether or not certain actions on the part of the

employees would constitute contributory negligence. Now, it is proposed to inject into this law that kind of an element of uncertainty which will from the very start involve the commission, if it be a commission, or the division of the bureau of the Department of Labor, if it should be given the administration of the law, in all the perplexities and worries that grow out of an investigation into each particular case as to whether or not certain actions on the part of the applicant constitute contributory negligence.

Mr. CUMMINS. Mr. President, would the Senator from Indiana venture upon an estimate of the number of injuries that will occur under the bill during a year, as informed by the past.

Mr. KERN. I have no idea. The present law on the subject, which is a sort of makeshift law, applies to about one-fourth of the Government employees. The proposed law will apply to something over 400,000 persons in the employ of the Government. I imagine that of 400,000 persons entitled to the benefits of the law a very large volume of business would come before the commission, or whatever body may be charged with its administration.

Mr. CUMMINS. I have busied myself a little with an estimate upon that question. In my opinion five courts sitting continuously 300 days in a year would not be able to determine the questions of contributory or comparative negligence. Every injury practically would result in a long difficult trial in order to reach a conclusion with respect to the conduct of the injured employee whether he had in any way contributed to the injury which he had suffered.

If the Senator from Georgia will look over even the law we now have and consider its operation, he will at once be convinced that we would have to have courts enough or commissions enough to try two, three, four, or five thousand cases a year.

Mr. KERN. Mr. President, as I have already suggested, it removes the certainty, which is one of the chief beauties, if I may use that word, of this kind of legislation, and it restores uncertainty where there ought to be certainty. It will interfere very largely, I believe, with the administration of the law.

The arguments made by the Senator this morning, while they would apply with full force in a discussion of the enactment of proposed employers' liability laws, certainly can not be regarded as of great weight in a discussion of this measure, especially with those who have studied the history of the legislation and the economic aspects of the question.

Mr. CUMMINS. I desire to ask another question of the Senator from Indiana, if he will yield to me for that purpose.

Mr. KERN. Certainly.

Mr. CUMMINS. Has the Senator observed the difference in another respect between the House bill and the Senate bill—I mean the bill that was reported by the Judiciary Committee of the Senate?

Mr. KERN. Oh, yes.

Mr. CUMMINS. It is pertinent, because the Senator has read from the laws of various countries the standards which have been established in the bill considered by the Judiciary Committee as it came from a subcommittee, of which our friend the Senator from Georgia [Mr. SMITH] was a member. The only exceptions made were, first, if the injury was brought about by the willful intention of the person injured; that is, the words are, "Where it is proved that the injury or death of such employee is occasioned by his willful intention to bring about the injury or death of himself or of another"; second, that it "resulted from his intoxication." Those are the only two exceptions in the Senate bill. The House bill brings in another; and even if it were not amended in any way, it is still illiberal enough to the employee. It says:

But no compensation shall be paid—

I am quoting from the House bill.

But no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about the injury or death of himself or of another, or if intoxication of the injured employee is the proximate cause of the injury or death.

We have therefore introduced into the bill, without the amendment of the Senator from Georgia, an additional exception, namely, an injury the result of willful misconduct. That is a very different thing from a willful intention to bring about the injury. It will be hard enough upon the employee if he is compelled to prove that the injury was not the result of his willful misconduct, without putting upon him the further burden of proving that his negligence did not contribute to the injury. I do not know whether or not the Senator from Indiana had noticed that difference in the two bills.

Mr. KERN. Mr. President, I think the rights of the Government are amply protected without the amendment of the Senator from Georgia. Therefore I hope it will not be adopted.

Mr. SAULSBURY. Mr. President, I agree fully with the distinguished Senator from Indiana [Mr. KERN] in his conclusion that this amendment would simply provoke a great deal of unnecessary litigation, would consume a tremendous amount of time, would cause great expense to the Government; and, in my judgment, more, indeed, than we would save to the Government by reducing the amount 25 per cent from that to which the bill as it stands entitles an injured employee.

I am particularly glad, Mr. President, that a bill of this character is to be passed by the Congress. I have long been interested in attempted legislation of this general character in my State, where for the past 12 or 15 years, at least, I have endeavored to do away with the old law of master and servant, which we still have in all its vigor and with all its horrors. The assumption of risk, negligence of a fellow servant, contributory negligence have been the means of practically placing upon the weakest portion of our community—in many cases the widows and orphans of men who have been killed while doing their duty as workmen as well as they could—the great burdens, the sorrows, and the distress which certainly in a measure should have been shared by the business in which they were engaged, and, in cases like this, by the Government for which they worked. Therefore it is with a great deal of pleasure that I shall give my vote for this bill.

I shall also vote to remove from the bill the amendment which proposes to inquire in each case whether the injury was due to contributory negligence, and that will be the inquiry in each case, and a multitude of special agents and a very great number of lawyers would necessarily be engaged in ascertaining the facts.

Mr. President, I have but a word more to say in regard to this matter. I have said that my own people in Delaware are still laboring under the horrors of the old laws applicable to the relation of master and servant. I desire to pay a tribute to the judges of my State, however, by saying that they have endeavored in every way possible to modify these laws in the interest of suffering humanity, by applying wherever possible and extending as far as possible the doctrine of proximate cause; but I welcome every effort that is made anywhere in this country to produce a sentiment which will grow and spread until nowhere in this country will either branch of the legislative body in any State refuse to listen to proper appeals for the modification of the old law which at this time and in this year of our Lord, in my judgment, simply works hardship, unfairness, and dreadful results to the social relations of the working people of this country.

Mr. HUSTING. Mr. President, I also wish to state that I oppose the amendment reported by the Senate committee, and I oppose it on several grounds. For one thing, I think the principle of the amendment is entirely repugnant to the real national purpose in this bill, and I believe it is unwise as a general policy for another thing. I believe that the purpose, which I fully and heartily indorse, is to put the employees of the United States in the same position as the employees of industrial concerns generally. The purpose of this bill, as I understand, is to do away with the harsh rules applied to individuals who are injured in the course of their occupation, and, in addition to that, to do away with the harsh rule which exempts the United States, in the absence of any statute, from any claim whatsoever on account of personal injury suffered by its employees.

The employees of the Government who are going to be benefited by this bill when it shall become a law, I presume will be largely engaged in industrial activities, in the service of the United States in navy yards, and in factories of various kinds where injuries are likely to occur. In framing a bill with that in mind, it seems to me that we should take into consideration not only the experience of industrial concerns generally and the experience of those engaged in industrial pursuits, but we should also take into consideration the experience and interests and purposes of the people generally. We should consider why we are going to enact the law what we are attempting to remedy, and what the remedy shall be.

As I understand it, the reason that compensation laws have been enacted in the various States—and I come from a State which enacted, I believe, one of the first ones, and a good one—is to relieve the workers of the country from the harsh rule of the common law. In the first place, under the common law, when a workman was injured at his occupation, the entire loss and burden fell upon him and his family. The man himself may have been a careful individual, a diligent workman, who

for years pursued his activities without injury, but who in a thoughtless moment suffered an injury, perhaps suffered death; whereupon the loss fell upon that individual or his family, as the case may be, instead of falling upon the community generally, and particularly on the industry in which he was engaged. That is a very harsh rule to apply to any man who gives his life in a pursuit which conduces to the benefit of society.

Again, the rule of contributory negligence was applied, under which, when an employee was injured, if he was guilty of any want of ordinary care, he could not recover, and the loss and damage fell upon him and his family. Not only that, but it fell upon him and his family, even though his employer was guilty of negligence and he was only guilty of contributory negligence; so that the employer entirely escaped any liability if, perchance, coincident with his own negligence, there occurred contributory negligence on the part of the employee.

Furthermore, by virtue of the fact that every injury that occurred raised a question of negligence, it became necessary for the injured party to go into court to get his claim paid; in other words, every accident that occurred held within it a potential lawsuit. So poor men, men working by the day, were obliged to employ lawyers, to secure money in some way to get witnesses, and to go into court and litigate their rights against powerful corporations, which have a great deal more means, of course, than the ordinary individual had, and many of which made a business of contesting claims that were made against them, thus placing their employees under a tremendous disadvantage.

Not only that, but by virtue of the very poverty of the claimant he could only procure counsel by agreeing to divide up with that counsel the fruits of the litigation. So he had to find lawyers who were willing to take a chance and who would go into court in the hope of getting a large proportion of the amount in case of recovery. So it came about that when men were injured a large proportion of them never sued, a large proportion sued but never recovered, and a very small proportion sued and did recover; and when they did recover they lost from a third to a half or even a greater percentage of the amount that was justly due them because of their injuries in the payment of their witnesses' and attorneys' fees. As a consequence the net results to the injured person were reduced to a minimum, and he rarely got anything near what he was entitled to by reason of the injuries that he suffered. So it seems that the feeling grew all over the country that this was a very unscientific and unsatisfactory way for employers to protect men in their employment and to see that they were compensated for injuries which they received in the course of their employment.

So a new idea grew up—and that, I think, is what these compensation laws are based upon—that when manufacturers employ men to manufacture certain articles not only the cost of labor and the cost of material should enter into the cost of the article manufactured, but the injuries suffered by the men in that employment should be reckoned as a necessary and inevitable element of the cost. Now, in the case of any man who engages in the manufacturing business, when a machine breaks down, or when some accident occurs in his factory other than that in connection with his employees, that loss was always charged up to the industry. It was an overhead expense. For instance, if horses were employed in a manufacturing industry and one of them was killed, that horse was charged up as an item of expense of operation in that industry. If cars or engines are used and accidents occur and property is destroyed, that was charged up as an item of expense and added to the cost of manufacture. And so we finally got to the idea that human beings employed in an industry, who shed their blood, sacrifice their limbs or their lives in that employment—and these things are inevitable in a manufacturing establishment—should be compensated and that such compensation be charged up as an expense of that business and added to the cost of manufacture, charged up to the finished product, and be borne by the community at large.

That is the theory that I think underlies compensation laws generally. Consequently the negligence of a man does not enter into the equation at all. It is entirely repugnant to the idea of compensation laws, in my judgment, or at least is entirely irrelevant to the main question. It is merely a question of carrying out the principle and the theory that compensation of men who are injured or destroyed in a manufacturing business should be considered as a part of the cost of the business in which they are engaged, and that that cost should be charged up to the finished product to be paid by the people at large who purchase the product.

Now, men will be careless. No large manufacturing establishment that I know of runs for any length of time but that inevi-

tably at some time, somehow, some man loses his life or his limb. Consequently the expense incurred by reason of loss of life or limb can be forecast with reasonable certainty in every manufacturing establishment of any size or consequence.

Therefore it is my judgment that it is wrong in principle, wrong in theory, and will prove to be wrong in practice to withhold compensation from any individual because he has been momentarily careless. It does not enter into the equation at all. It is not a question of who was at fault, but it is a question of whether this expense shall be borne by the injured individual and his family or whether you are going to charge it up as an overhead expense against the industry.

That should be all the more true when a man is working for the United States, although as far as this act is concerned I presume we must regard the United States purely as an employer. But as an employer having hundreds of thousands of men working for it, and one which should show a good example to our citizens, whatever loss of life or injuries may be occasioned to employees of the United States in the course of their employment—in their work for the people of the country—along manufacturing or other lines should be charged upon the whole country, and the country should stand for it just the same as individual industries are standing for it.

Under the theory of the amendment suggested by the Senate committee, we hark back to an idea that should be eliminated from a true and fair workmen's compensation act. We depart from the idea of compensating a man and his family for losses suffered in the ordinary course of his employment, and we go back to find out whether he could not have avoided it instead of going to the question of compensating him for injuries suffered.

The experience in my State—Wisconsin—under our workman's compensation act, has shown that accidents have been reduced by a very large percentage in Wisconsin, which certainly negatives the argument made by the Senator from Georgia that if workmen are going to be penalized or have their compensation reduced they will be more careful.

Mr. SMITH of Georgia. I did not say that.

Mr. HUSTING. I thought that was the effect of the Senator's argument.

Mr. SMITH of Georgia. What I said was that I rejected the idea that no discrimination should exist between the careful and the careless; that the tendency of our humanitarian legislation was unfortunate in that respect.

Mr. HUSTING. I took it that the Senator from Georgia argued that there would be a tendency to reduce the number of accidents if men were to receive less compensation when they were injured as a result of carelessness than if they were injured through no fault of their own. I want to say right here, in regard to that, that men who are injured in their employment are injured because they can not help it. The particular individual who is injured can not help it. According to his knowledge, according to his habits, he is doing the best he can. I do not suppose there is one man in ten thousand or one man in a hundred thousand who is injured because he wants to be injured or because he is indifferent to injury and suffering. He is sufficiently punished by nature by suffering the pain naturally incident to a severe accident. He does not want to be injured, and he does not purpose to be injured. His injury and the injury of every man, except one in a hundred thousand or perhaps one in a million, is to him an inevitable accident, something that is bound to occur, something that has to be reckoned with in any industrial institution in the country, no matter how careful employees may try to be. So long as men are human, men will be careless. So long as men are not perfect, men will suffer lapses in caring for themselves. We all know that accidents will happen and do happen.

It is going to happen just as surely as the sun rises in the East and sets in the West. So many men are going to be injured under given conditions, and their loss or damage should be properly charged up to the cost of the finished product and not rest upon individuals or their families.

Of course, it is entirely proper, and I agree with the Senator from Iowa [Mr. CUMMINS], that a man who willfully subjects himself to an injury, who willfully sacrifices an arm or sacrifices a leg, ought not to be taken into consideration. That is something that no one can reasonably expect, foresee, or control—that a man would willfully injure himself. But as to a man who merely is guilty of what is called contributory negligence, I say that he should not be penalized, no discrimination should be made against him in favor of his more fortunate and more careful brother in case he, not because of any law on the books, but only because nature has made him so, suffers an injury where a man more carefully constituted, more careful in his make-up, does not suffer an injury.

What is the result of these compensation laws? If it is true that fewer men will be injured if careless men do not receive as much compensation as careful men, then in States having these compensation acts more accidents should occur! But what has been the result? The result in my State has been that the law has made the employer more careful. He insures in an insurance company. The insurance company send around their inspectors to inspect these manufacturing establishments. Labor-saving devices are installed, and as a result the accidents in the industries of Wisconsin have been reduced by a remarkable percentage, not because the men have become any different, but because the employers, knowing, or rather appreciating, that when a man is injured they have got to pay an increase in insurance, that their insurance rates will be increased, have installed labor-saving devices, and have hedged about their employees every protection in order to lessen accidents and thus be able to enjoy more favorable rates of insurance. I want to go further and say that by reason of the law in Wisconsin our employers have become interested in the question of lessening injuries in their factories, and so, for humanitarian reasons as well as that of an enlightened self-interest, they are preserving the lives and health and efficiency of their employees as well as compensating the unfortunate ones.

That is the way it has worked out in Wisconsin. Only a short time ago I read a report on the showing that this law was working out, in the State in which I live, in the most satisfactory manner, and that the manufacturers themselves would not go back to the old system if they could have their own way about it. The employers are entirely satisfied and the employees are entirely satisfied.

It is true that the employee who is injured, or the family of an employee who is killed, does not get the same damages that would be obtained from a jury; but I think it is safe to say that it is working out in this way—that in the net result, eliminating the lawsuits and eliminating the attorneys and the go-betweens, he and his family are netting, for each injury, a better percentage than they would in a personal-injury suit. They are getting more for injuries suffered, a larger percentage, than they ever got under the old barbarous system in vogue theretofore. Not only that, but nearly 100 per cent of the injured are now receiving compensation as a matter of course, where formerly only a small percentage ever received one cent and suffered the loss occasioned from his injuries.

The Senator from Georgia [Mr. SMITH] says that it would not make any difference to him how small the percentage was, the deduction should be because of the employee's negligence. No matter how small the deduction, what I object to in this bill, Mr. President, is that the principle interjected is going to defeat the beneficial purposes of the bill to a very great extent. Suppose a man is injured, and assume—and I do not think it is a very violent assumption—that you are going to have some inspectors go and look up these matters and see whether that man was injured through his own negligence or not, it means that every case will have to be inspected, to start with. Now, of course there will have to be attorneys on the part of the Government to examine into these claims and present them to the commission. That will be inevitable; and while this bill authorizes the commission to sit in various parts of the country, yet it means delay, it means expense, and, above all, it means a lawsuit, because it will be the duty of the commission to sit in judgment on every case, and every case will have to stand on its merits, and the amount of compensation to be paid in each instance will depend upon the facts in each particular case. Each injury is a case by itself, and the result will be that an injured employee, instead of being compensated in the regular course of business, will find himself up against a mountain of troubles to get what is coming to him. He will be up against a hard and expensive practice if the commission does its full duty and investigates each case—not whether a given person is entitled to this extra 25 per cent or not, because I believe that there is only a very small percentage of the accidents that occur where the question of negligence will not be open to question and to litigation and adjudication.

So it will cost the Government a lot of money to make this very inquiry; but, worse than that, it will cause every man who is injured, against whom a charge will be made of contributory negligence, to have a lawsuit on his hands. He will have to subpoena his witnesses, he will have to employ counsel, and he will have to go before this board, and you will have a court instead of a commission, and they will have to try out each case just the same as it is tried out in the circuit courts, only 25 per cent is at issue instead of 100 per cent; and if you reduce that to 10 per cent you will still not eliminate the difficulty. You will have to litigate the 10 per cent, and the lower you go

the less reason there will be, but not the less necessity for it, because the injured employee will have to present his case in order to get the compensation to which he is entitled; and when you do that you are heading right straight back into the old system which involves the question of contributory negligence.

It seems to me, Mr. President, that if the United States wants to take care of its employees the same as other industrial institutions or other concerns are taking care of their employees, as the Senator from Iowa said, you must eliminate the uncertainty, so that the only question of fact that should be at issue would be, Was the man engaged in this employment? Was he injured? How much should he receive for that injury? If the negligence question is left for adjudication, if anything of that kind is left for controversy, I say it means a lawsuit, and it means great expense to the Government.

But more than that; it means expense to the injured party or his family, and in the end it means that the money paid by the United States is frittered away in litigation, and does not reach those who are justly entitled to all of it, and is no compensation to amount to anything.

It seems to me that there is not sufficient reason—in fact, there is no reason, in my judgment; no good reason, if the Senator will pardon me for saying so—why that should be in the bill; but there is every reason to the contrary if the Government wants to deal justly with its employees and to keep pace with the legislation in the States upon this subject. It seems it has been the policy of most of the States on this very point, which is the point of the greatest controversy—I know it was in my State—not to put in the question of negligence at all. The right to compensation should rest upon the broad principle I stated at the outset, that when a man is working and is injured in the ordinary course of his employment, and is injured not by any willful act on his part which shows that he wanted to be injured, that injury should not be borne by him or his family alone, but should be charged up as an overhead expense in the operation of the plant, whether it is a national or an industrial plant. It should be charged up to the people who enjoy the fruits of his labor, and he should be compensated, to the end that he may not become a public charge upon the community, but that he may receive a quid pro quo for his services and for the injuries that he has received in the ordinary course of his employment. He and his family should be compensated upon broad humanitarian grounds and because it is founded upon right and justice.

Mr. CUMMINS. Mr. President, it is to be hoped, in the interest of those for whom this bill is to be passed, that the amendment proposed by the Senate committee will not be adopted. In my judgment, it would be practically useless if in every instance there must be tried out before some tribunal the question of negligence.

I hope the Senators upon this side of the Chamber will recall that the bill introduced by the Senator from Utah [Mr. SUTHERLAND], a student of this subject and an eminent lawyer, did not admit negligence into the equation. I hope they will remember that the bill was carefully considered by a subcommittee of the Judiciary Committee, of which my friend, the Senator from Georgia, was a member, that it was reported by the subcommittee unanimously to the full committee without any such provision as is now suggested, that it was considered by the full committee and reported to the Senate unanimously without any such provision, and is now on the Senate Calendar for action by the Senate.

I may be permitted here to say that while there may be a difference of opinion with regard to the subject we are now discussing and a difference of opinion with regard to the merit of the House bill as compared with the bill reported by the Judiciary Committee, in my opinion the bill reported by the Judiciary Committee is a better bill, everything considered, than the bill which came from the House. I have made, from time to time, the suggestion that when the bill was under consideration I would offer the Senate Judiciary Committee bill as a substitute. I do not intend to do it. So earnestly am I in favor of the bill itself and of the principle which is involved in it that I am willing to accept the House standard of compensation and the House provision with regard to the payment for injuries. I shall offer an amendment that will substitute the Secretary of Labor for the commission that is sought to be established in the House bill. However, that is not before us at this time.

I have mentioned the action of the Judiciary Committee upon the subject in order to assure those who have not given the subject great study that it was the opinion of members of the Judiciary Committee that compensation should be paid for injuries sustained by Government employees without regard to negligence which may have contributed to the injury, subject only to two exceptions—first, a willful intention on the part

of the injured person to bring about the injury, and, second, a state of intoxication which helped to bring about the injury.

Mr. DILLINGHAM. May I inquire of the Senator whether those provisions have been incorporated in the House bill?

Mr. CUMMINS. Both of them are in the House bill, with one additional exception, namely, willful misconduct. I am very sorry it is there. I do not believe it ought to be there, because the inquiry as to what is willful misconduct is a difficult one. It is almost as difficult as the inquiry as to contributory negligence, and it ought to be eliminated from the bill. The two exceptions, in my judgment—and I believe that is the consensus of opinion throughout the country—are sufficient.

Mr. President, I agree entirely with the view taken by the Senator from Wisconsin [Mr. HUSTING]. It is in harmony with the suggestion I made a few moments ago in an inquiry put to the Senator from Indiana [Mr. KERN]. I asked him his estimate of the number of injuries that would occur during the course of a year among the 400,000 civil employees of the Government covered by the bill. He did not, of course, attempt to answer; but allow me to say that there are 100,000 civil employees of the Government now covered by an inadequate and imperfect law which gives certain compensation in case of injury, and, as I remember, the annual injuries suffered among the hundred thousand employees aggregate between four and five thousand.

We now propose in this bill, and wisely too, to add 300,000 civil employees to the number for whose injuries compensation shall be paid. I quite agree that the 300,000 we are about to add will not increase proportionately the number of injured, because these employees are engaged in occupations that are not so hazardous as the occupations of the 100,000 now within the scope of the law; but it is obvious that if any considerable addition is made to the number of injured and if in one-half the injuries the inquiry shall arise, Was the injured person guilty of contributory negligence, and if so to what degree? no commission of three men could make those inquiries. I understated it when I said it would require the continuous service of five independent courts. I think it would require more, if we would be compelled to enter upon a regular trial such as we have all observed in personal-injury cases to determine every circumstance connected with the accident or the injury to determine who was responsible for it and in what degree each of the persons who contributed to it was responsible or guilty. I need but mention the number of cases that would inevitably come before such a tribunal, or series of tribunals, and appeal to the knowledge of all lawyers who are familiar with the course of personal-injury trials in order to convince them that the proposal is one which is impracticable even if it were just. But it is not just. If the Government of the United States was suable, and I will assume for the moment that it is, because in fairness it ought to be, we are substituting for the liability of an employer to an employee a compensation which is so much less than the rule of liability would afford or give the employee that in justice we must give the employee some advantage that he would not have under the rigorous rule of the common law.

In my State we have an optional compensation law. I am not one of them, but some lawyers believe that a compensation law in order to be constitutional must be optional. I think that was substantially the decision of the court of errors and appeals of New York in rather a famous case. But in my State the option is influenced to some extent by a provision of the law which withdraws from the employer certain defenses which he could otherwise present, and we make that an inducement for the employer to agree to come in under the workmen's compensation act.

Mr. President, I spent 25 years in the courthouse, most of the time, and I suppose I have tried during that time as many personal-injury cases as anyone in the western country. It was my observation and is now my reflective judgment that in 75 per cent of the cases in which injury results from negligence the person injured is in some degree responsible for the injury; that is, it rarely happens that an accident is brought about solely by the carelessness or negligence of a single person. Ordinarily the accident is caused by the coordination of the negligence of two or more persons. It only happens once in a long while—I am speaking of those cases in which some one is negligent—it only happens once in a long while that the employee by the exercise of care, if he were conscious and thinking of the subject at the immediate time, could not avoid the injury.

I mention this because in its application to this measure, if this amendment is adopted, it will in my judgment result in a reduction of 25 per cent of the compensation allowed in 90 per cent of all the cases to which it applies. We might just as well

adopt the hard and fast rule of a 25 per cent reduction as to empower or attempt to empower the commission to administer the law of contributory negligence, because the commission would not only be required to ascertain whether there was any negligence upon the part of the person injured, but it would be required to go further and compare the degree of that negligence with the degree of the negligence upon the other side.

Now, have any of you ever attempted to compare the negligence of two persons whose joint carelessness contributed to an accident? It is an utterly impossible thing. It can not be done in the majority of instances. Once in a while we reach a case in which the negligence on the one side is so gross that the negligence upon the part of the injured man or woman is slight in comparison; but anyone who has gone through from day to day and year to year with the trial of such cases knows that in the vast majority of them there is no way of comparing the degree of negligence.

We have adopted that rule in the liability act. Many States have adopted that rule; but generally the application of the rule is given to a jury, and the jury determines the degrees of negligence and reduces the recovery accordingly. The jury has no rule; there is no review; it is a sort of equitable independent tribunal that administers justice according to its own light, and there is not much trouble about a jury giving to an injured person the sum of money that in its opinion fairly compensates him for the suffering or disability that may have been occasioned; but I should like to know how a commission supposed to be made up of men with cultured, trained, educated, disciplined minds can compare degrees of negligence. It has not the freedom and the irresponsibility which attaches to the verdict of a jury. In my opinion the effect of this law would be simply to impose a reduction of 25 per cent in every case to which the amendment is applicable and in which the commission would find that there was any degree of contributory negligence.

For these reasons, Mr. President, although recognizing the strength and force of the broad argument made by the Senator from Georgia, I am opposed to the amendment. He can not outrun me in the desire to build up individual strength of character; he can not excel me in the insistence that the safety of the country depends upon the initiative of the individual and his power to care for himself and lift himself above the common level and to accomplish great things; but I must say that his strong and persuasive argument is without value when applied to a compensation law.

Mr. SMITH of Georgia. Mr. President, I shall consume the time of the Senate upon the part of the argument which insisted that on principle there should be no difference in a compensation act between the negligent and the careful only to say it is so evidently unsound, so utterly indefensible, it needs only to be submitted from any source to destroy itself.

There is, however, a part of the argument to which I concede there is strength. I refer to the difficulty of the administration. If I thought for a moment that this rule would apply to 90 per cent of the employees, I would be as much against it as any Senator; if I thought the commission would seek to enforce it in any such a way, I would be against it.

I want to say in behalf of the committee that while the amendment comes from the committee it is only candid to admit that the majority of the committee were not disposed to be in favor of the amendment, but they yielded to my views and agreed to it.

Now, with reference to the enforcement of such an amendment, I do not expect it to be enforced at all in the way the Senator from Iowa suggests. I would not expect any considerable number to have their recovery reduced 25 per cent. I would only expect in the most flagrant cases of negligence, when there was apparent and transparent responsibility for the accident resting on the party injured, that the 25 per cent reduction would be made. I would expect that perhaps in 10 per cent of the accidents there would be a reduction ranging from a nominal reduction of 5 per cent to a very small number of reductions of 25 per cent. I would not expect any trial.

If I thought there would be trials with lawyers I would not be in favor of it. In view of the fact that we have a commission of three men, not required to take testimony to reach a conclusion, with the broadest latitude, with the broadest discretion, I would expect them simply to adopt a rule with regard to their inspectors, when it was apparent that there was negligence and substantial negligence, to let them have the information, to talk with the parties injured perhaps and take their statements in a spirit of kindness, and in the spirit of the bill to make some slight reduction, limited absolutely, never to go above 25 per cent.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. Yes, sir.

Mr. GALLINGER. A little while ago I ventured to suggest that I thought the principle involved in the amendment was a sound one, but upon reconsideration I want to ask the Senator a further question about it. Whether it be the Secretary of Labor or a commission created according to the terms of the bill, that official or that commission will be in the city of Washington, I presume?

Mr. SMITH of Georgia. The commission under the bill have the right also to travel and visit different places.

Mr. GALLINGER. Of course, they would not do that to investigate some trifling accident.

Mr. SMITH of Georgia. Oh, no.

Mr. GALLINGER. An accident occurs in San Francisco or in Seattle or in New Hampshire, it may be. Who takes cognizance of it? Who raises the question as to negligence? The United States district attorney?

Mr. SMITH of Georgia. Not at all. There would be no presumption of negligence. The representative of the commission would have to report on the accident from Government employees, and unless there was some suggestion by superior officers of substantial negligence I would not expect the question to be raised at all.

Mr. GALLINGER. The Senator speaks of the representative of the commission. Who would that be? Would they station men at different parts—

Mr. SMITH of Georgia. No; I do not think so. I do not know how they conduct their work now. I have not looked into that. There is a force of men who handle this subject now. The superior officers representing the Government in charge of work would make reports, and they would act upon the reports of the superior officers in most instances, coupled with statements from the men.

Mr. GALLINGER. That has troubled me as I followed the discussion.

Mr. SMITH of Georgia. And I want to admit to the Senator from New Hampshire that the argument of the Senator from Iowa as to the difficulty of enforcement troubles me. I do not deny that. I insist that the principle is right, but that there is trouble about its enforcement.

I am ready to take a vote. I doubt whether anyone except myself will vote for the amendment. I have stated to the Senate that it should not be considered as the matured view of the committee, because I think the majority of the committee were averse to it, but I insisted so strongly upon the principle that they consented for me to make the report. I want to be perfectly candid about it.

Mr. CUMMINS. The Senator asked a question which I think ought to be answered. I will address this inquiry to the Senator from Georgia. Section 15 provides:

SEC. 15. That every employee injured in the performance of his duty, or some one on his behalf, shall, within 48 hours after the injury, give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

The superior transmits it through the regular channels of the service and finally to the commission provided for. Then the commission, if it desires to do it, has the right to send an examiner and ascertain the circumstances of the injury.

Mr. SMITH of Georgia. I take it for granted that unless the original report indicated some special case of negligence the inquiry as to negligence would not be pursued at all.

I want to say with reference to the bill that came from the Judiciary Committee, that while I was on the subcommittee I did not suggest this addition in that bill, because I hardly thought that the Department of Labor was organized in a way to pass upon it. I felt with confidence that the commission in charge of this special work would direct it in a way to do no hardship to anyone and in a spirit of kindness rather than parsimony. The commission is required to pass on each case to grade the degree of injury, and passing upon negligence would not be more difficult.

I do not desire to prolong the debate on this subject. I accept as a fact, Mr. President, the view that the majority of the Senate do not approve this amendment, and without withdrawing it I am willing to have a viva voce vote and dispose of it and go on with something else in another part of the bill.

Mr. POMERENE. Mr. President, I am glad to hear the Senator take that position. I am in entire accord with the view expressed by the Senator from Iowa [Mr. CUMMINS] that with this amendment in the bill it would be utterly impossible for the commission to administer the law. If we will just pause and think that in a city of 400,000 people, with their multi-

farious interests, we require a number of judges of courts—probably four, five, or six judges of original jurisdiction—to take care of the litigation in that community, we can very readily come to the conclusion that where we have 400,000 people, with all the injuries which they may fall heir to in their varied employments, it would not only take one commission, but it would take several commissions to be able to adjudicate upon the injuries which those people might receive.

And bear this in mind, please: By this amendment Congress would not be reducing the length of time which would be consumed in adjudicating these matters. The limitation is as to the amount of reduction to be made in the amount to be paid to the injured employee. You can only reduce it 25 per cent; but in order to determine what ought to be done with respect to that 25 per cent it is going to take as much time and just as much skill to distinguish between the proximate cause and the remote cause as if a hundred per cent were involved.

But, more than that, I suggest this: It seems to me that the amendment itself offends against the principle which is involved in a compensation act. All of us who have been practicing lawyers have observed the amount of time that is taken in trying personal-injury cases. We have witnessed wise judges sit on the bench and announce to the jury certain general fundamental principles of law, defining the rights and obligations of the plaintiff and of the defendant; but when it comes to a determination by the jury of the particular facts involved in each case, they have a difficult task before them. Sometimes they go wrong and sometimes they go right.

I remember hearing one judge speaking of his experience in the trial of a case against a railroad company, in which he said that he had tried the case three times; three verdicts had been rendered against the corporation, and three times he was compelled to set aside the verdicts because they were against the weight of the evidence. Another lawyer present at the time suggested with much force that it did not seem to have occurred to the eminent judge that it was possible that he might be wrong and that 36 jurors who passed upon that case might be right.

It is because we have been confronted by just such situations as this that the sentiment in favor of workmen's compensation acts has been growing all over the country. But more than all this we ought to bear in mind that the public is interested in having its unfortunate people who meet with accidents properly cared for.

In my own State we have a most liberal compensation act; and while it was fought for a time by the employers of labor, I am satisfied that if they now had their choice they would not go back to the old system.

It is shocking to one's sense of justice to think that, except for a few special acts to which the Senator from Iowa [Mr. CUMMINS] referred, under the United States Government we have 400,000 employees, the most of them without any right of action against the Government at all in case of injury. It seems to me that the Government itself ought to be one of the good employers of the country, and that it ought to take care of the men who have suffered injury while in its employment.

Mr. President, we must bear in mind that whether the man who has been injured partly through his own fault or not, if he is injured to the point that he is not able to take care of himself, and does not have friends who are able to care for him, he is a public charge, and the public ought to adopt some proper means for his care.

When it comes to the Government taking care of its property, if anything happens to it, the Government sustains the loss and must bear it, except as it is protected by insurance. Here are 400,000 men, each one of them a cog in the governmental machinery, and yet up to date, except in rare instances, when these men have been injured, they have had no recourse as against the Government.

It does seem to me that the amendment which has been presented by the committee ought to be rejected, and that we ought not any longer to recognize the fact that as between employers and employees there is such a thing as contributory negligence or proximate or remote cause of the injury or the rule of negligence of fellow servants or the doctrine of comparative negligence as it existed, at least, some years ago in Illinois, but let us care for those who may be injured under some general compensation law such as that which is now before us without regard to whether they were guilty of some negligence or not. Let us remember that they are our brothers and are worthy of our care and consideration. Men are the best asset of the Nation and they should be provided for accordingly when they meet with misfortune.

Mr. HUSTING. Mr. President, inasmuch as the distinguished Senator from Georgia [Mr. SMITH] has expressed himself as

not being very violently in favor of this amendment, I do not propose to take up the time of the Senate with any very extended remarks. I merely want to reply to something which the Senator said in regard to the principle here at issue in the bill.

The Senator from Georgia is a very distinguished lawyer, and still he says it is absurd to say that this proposed amendment offends the principle of the compensation act. I want to say, in reply, that I would hesitate somewhat to put my own judgment against that of the Senator from Georgia but for the fact that in the great number of States in which laws similar to this have been enacted, the Senator would find himself in a very small minority. Those States have all accepted the principle that negligence has no place in a workmen's compensation statute and is repugnant in principle to the purpose and scope of the bill. The personal-injury action or right-to-recover rate is one that sounds in tort; it is an action *ex delicto*. The workmen's compensation act is an act *ex contractu*. The basic principle of this law, which entitles an injured person to compensation, does not primarily depend upon his want of negligence or carelessness; it depends upon his employment. He is entitled to recover if the fact of his employment and the fact of his injury are established. The Senate committee, therefore, has injected the question of negligence, not for the purpose of defeating the right to recover; therefore it can be put in as a measure of damages only. Well, that can not furnish any fair measure of damages, for the simple reason that it measures nothing. If a man injured in his employment under a workmen's compensation act is entitled to recover by virtue of his employment and by virtue of having suffered an injury in that employment, the fact that he was negligent or not negligent does not enter into the question of how much he ought to get; it does not measure his damages. The question of damages is measured in this bill, as I understand it, by the extent of his injury; whether it is partial, whether it is total, and what his pay has been. A man who has been guilty of a slight want of ordinary care is injured just as much by reason of that lack of ordinary care and is entitled to recover just as much as though he were not guilty of that slight want of ordinary care.

Not only that, but under this proposed act any negligence whatever reduces the measure of the damages that he is entitled to recover under the act. I want to say in reply that it appears to me absurd to say that when a man is injured, and by virtue of this act is entitled to compensation, any degree of negligence whatever lessens the injury that he received. He is just as badly hurt, his family and himself are just as badly in need of the money that he is to get, as though he were one of the most diligent and careful persons engaged in the employment. So I say that negligence as a measure of damages is not at all helpful; it does not get us anywhere; it does not tell us how much a man ought to get or ought not to get.

I merely want to say in conclusion that this act, as I understand it, is not a question of rewarding or punishing an employee or of punishing an employer. Under the old doctrine of the common law governing personal injuries, the employer was held liable because he was guilty of a tort; he was guilty of a wrong in that he so conducted his business that as a natural and direct consequence of his negligence an employee was injured. But this law of compensation is framed on a much broader and deeper principle than that. As I understand it, it is this: That if a man is injured, not in the commission of any offense but in the ordinary course of his employment, injured, as men will inevitably be injured in every employment, whether he alone shall suffer that injury or whether the community will suffer it for him. In a sense it is a question of insurance. The community guarantees under this bill to a man that is engaged in the ordinary courses of employment—in this instance the Government guarantees him—that if he is injured in the ordinary course of his employment he will be compensated to a certain extent. As I said before, it is not for the purpose of rewarding him, but it is merely for the purpose of taking that burden and distributing it over the whole country and letting the country stand it, which means to all of us an infinitesimal part of the injury, which otherwise would fall upon a citizen of the United States.

This is done as a matter of justice; this is done as a matter of sound public policy—that men injured in the employment of the Government shall not become a public charge. It does not help to say that if a man is injured by being somewhat at fault himself there is less need or less reason for him needing help. The moment we say that we are departing from the principle of the bill. The only question should be, Was the employee injured in the ordinary course of employment; and if so, under the terms of his employment? Then, under the terms of the law he is entitled to the compensation therein provided for, and the

question of whether he in part, much or little, contributed to his own injury is not an element in the act at all.

Mr. SMITH of Georgia. Mr. President, so far as I am concerned, I am ready to vote on this amendment. I am afraid to again indicate that I do not expect it to carry, because I fear to provoke additional discussion against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. GALLINGER. Mr. President, I call the attention of the Senator from Georgia to section 30, which reads:

SEC. 30. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed by the commission in the same manner as appointments to the competitive classified civil-service positions.

Mr. SMITH of Georgia. If the Senator will allow me, before we reach that, I wish to offer an amendment transferring the present force to the commission to be created.

Mr. GALLINGER. Certainly.

Mr. SMITH of Georgia. This is an amendment recommended by the members of the committee unanimously. I move to add, immediately after section 28, on page 17, a section, to be known as section 28a, and to read as follows:

SEC. 28a. Upon the organization of the said commission the work of the Department of Labor connected with the adjustment of claims of employees of the United States for injuries shall cease, and all pending investigations and proceedings in the Department of Labor in connection therewith shall be continued by the commission. All clerks and employees now engaged in carrying on said work exclusively in the Department of Labor shall be transferred to and become employees of the commission at their present grades and salaries.

Now, if the Senator from New Hampshire will do so, I should like to have him read his proposed amendment.

Mr. GALLINGER. Mr. President, does the Senator want action on the amendment he has just suggested?

Mr. SMITH of Georgia. I should be glad to have the Senator read his proposed amendment for information.

Mr. GALLINGER. Very well. I will again read section 30 as it now stands in the bill:

SEC. 30. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed by the commission in the same manner as appointments to the competitive classified civil-service positions.

I do not know what is meant by that language. I do not understand how the commission can appoint clerks and stenographers "in the same manner as appointments to the competitive classified civil-service positions."

Mr. SMITH of Georgia. I think it means that the employees will have to come from the Civil Service Commission.

Mr. GALLINGER. Then I offer an amendment that will make that very clear; and I hope the Senator will accept it.

Mr. SMITH of Georgia. I think I will accept it, so far as I am authorized to do so.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). The Senator from New Hampshire offers an amendment, which the Secretary will state.

The SECRETARY. On page 18, section 30, line 5, after the word "appointed," it is proposed to strike out "by the commission in the same manner as appointments to the competitive classified civil-service positions" and to insert "from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law."

Mr. SMITH of Georgia. I submit the amendment to the Senator from Indiana [Mr. KERN], who presented the bill originally to this Senate. If he has no objection to it, I will raise none.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I ask the Senator from Georgia if he will not withhold the amendment which he read a moment ago until the amendment which I desire to propose can be acted upon? The transfer of the present work from the Department of Labor to the commission would not be necessary if the amendment I propose to offer is adopted, and, if it is not adopted, no one could then object to the amendment suggested by the Senator from Georgia.

Mr. SMITH of Georgia. I withdraw the amendment for the present to give an opportunity to the Senator from Iowa to offer his amendment striking out the provision with reference to the commission. I want to say that I am strongly in favor of the commission, and by yielding to the motion of the Senator from Iowa I do not in any sense mean to indicate that I favor it.

Mr. CUMMINS. Mr. President, this is a fundamental amendment, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Overman	Smith, Ga.
Bankhead	Hughes	Owen	Smith, Md.
Borah	Husting	Penrose	Sterling
Brady	James	Phelan	Stone
Bryan	Jones	Pittman	Taggart
Chilton	Kern	Pomerene	Thomas
Clapp	Lane	Ransdell	Thompson
Cummins	Lea, Tenn.	Saulsbury	Tillman
Curtis	Lippitt	Shafroth	Underwood
Dillingham	McCumber	Sheppard	Wadsworth
Fletcher	McLean	Sherman	Warren
Gallinger	Myers	Shields	Williams
Harding	Nelson	Smith, Ariz.	

Mr. KERN. I am requested to announce that the Senator from Oregon [Mr. CHAMBERLAIN] is necessarily absent from the Senate.

Mr. THOMPSON. I am requested to announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN]. He is paired with the junior Senator from Idaho [Mr. BRADY].

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary read the amendment, as follows:

First, strike out the word "commission" from the following lines and pages of the bill, to wit: Line 23, page 2; line 21, page 3; lines 25 and 1, pages 3 and 4; line 8, page 5; line 2, page 7; line 13, page 9; lines 4 and 5, page 10; line 7, page 11; line 11, page 12; line 20, page 12; line 22, page 12; lines 22 and 23, page 12; line 25, page 12; line 1, page 13; line 7, page 13; line 13, page 13; line 20, page 13; line 23, page 13; lines 11 and 12, page 14; line 17, page 14; line 20, page 14; line 24, page 14; line 26, page 14; line 14, page 15; line 18, page 15; line 21, page 15; line 22, page 15; line 22, page 17; line 1, page 18; line 10, page 18; line 11, page 18; line 14, page 18; line 21, page 19; line 24, page 19; line 9, page 20; line 15, page 20.

Also, strike out the words "commission or to any commissioner" in line 19, page 12, and the words "commission or any commissioner," line 21, page 17, and in lieu of the words stricken out in each of the above instances insert the words "Secretary of Labor."

Also, strike out of lines 11 and 12, page 22, the words "commission" and "its" and insert in lieu thereof the words "Secretary of Labor."

Also, strike out section 28.

Also, strike out section 30.

Also, strike out section 34.

Also, strike out lines 6, 7, and 8, page 21, and insert in lieu thereof "The powers conferred and duties imposed herein upon the Secretary of Labor may be exercised or performed by any person or persons employed in the Department of Labor, and who shall be designated in writing by the Secretary."

Mr. CUMMINS. Mr. President, the amendment just read seems to be somewhat complicated, but in fact it is exceedingly simple. I will assume that the Senate will allow me to present the several items of the amendment as a single amendment, for they all touch the same subject and are all necessary to accomplish a single purpose. If the amendment I have offered is adopted, the law which we are about to pass will be administered by the Secretary of Labor in the Department of Labor. If the amendment is not adopted, it will be administered by a commission of three persons to be appointed by the President, each with a salary of \$4,000 per year, with quarters suited to the taste of the members of the commission, and with the retinue of employees, clerks, special agents, and examiners which naturally gather around every commission which we create.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. Does this amendment make any change at all in the law except transferring the administration of the law to the Department of Labor?

Mr. CUMMINS. None whatever.

Mr. President, I did intend—I had it originally in mind—to offer the bill which has been reported by the Judiciary Committee as a substitute for this one, and as between that bill and the one under consideration there is some difference in the standard of compensation; but upon reflection I concluded that it would be better to accept the House bill with regard to compensation and ask for no other change in it except that it should be administered by the Secretary of Labor and in his department rather than by an independent commission.

Mr. President, I have offered this amendment in justice to the Committee on the Judiciary of the Senate. As I remarked when a former amendment was under consideration, the Senator from Utah [Mr. SUTHERLAND], a master of this subject, a man who has given it great and prolonged study, introduced a bill which is substantially, so far as compensation is concerned, like the bill afterwards reported and like the bill that

came from the House. The bill was referred to the Committee on the Judiciary. A subcommittee was appointed, of which the junior Senator from Utah [Mr. SUTHERLAND] was a member, and of which the distinguished senior Senator from Georgia [Mr. SMITH] was also a member. That subcommittee examined the bill and investigated the subject and unanimously reported to the full committee in favor of the bill, with certain amendments. The full committee gave the most careful and serious consideration to the bill, and finally reported it unanimously to the Senate, and it is now upon the calendar.

One of the questions discussed among the members of the Judiciary Committee was the very one that I have presented by this amendment: Shall the law be administered in the Department of Labor, or shall we create another commission in order to distribute the compensation which by the bill we award to injured employees of the Government? The Committee on the Judiciary decided that it ought to be administered by the Secretary of Labor, just where the law we now have upon the same subject is administered. The House bill, as I said before, provides for the creation of an independent commission of three members, and the law is to be administered by the commission.

I am in favor of the Senate Judiciary Committee idea, the idea of the Sutherland bill, for two reasons, and I intend to give them very briefly.

First, I am in favor of it because the law can be administered in the Department of Labor for one-tenth the expense that will be involved in the creation of another new commission. I venture to say that under the Department of Labor in the administration of this law there will not be one-tenth the number of employees doing this work that will be found by the commission to be necessary to accomplish it.

It is the history of commissions. We have enough commissions now. No; I will withdraw that. We may have to create more, and we are about to vote to create one more. We are about to vote to create a tariff commission, and I have been in favor of a tariff commission throughout my whole public life, but I do feel that we ought not to create any more commissions than are absolutely necessary. It seems to me that my friends upon the Democratic side of this Chamber ought not to rush unnecessarily into expense that is not required for the dispatch of business.

There is no necessity for a commission for the distribution of the compensation which we are providing here. If the amendment which was proposed by the Senator from Georgia [Mr. SMITH] relating to contributory negligence had prevailed, the amendment which I have now offered would not have been presented; because, in my opinion, if the commission, or any other tribunal, had to try all these cases in order to determine what negligence had occurred, it would require not only a commission but a complete court, and many of them, to dispose of all the cases that would come before the Government for compensation. That amendment, however, was rejected, and now the only matter to be determined in each case is the extent of the injury.

The bill divides the subject into three classes: First, injuries that result in death; second, injuries that result in total disability; third, injuries that result in partial disability. Through the administration of similar laws in the States this subject has been reduced to almost a formula, and it can be done with dispatch and with justice and with economy in the Department of Labor, where it now is, so far as we give compensation at all.

Mr. KERN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield to the Senator.

Mr. KERN. I will inquire of the Senator from Iowa if he knows of any States in which such a law as this is being administered by an administrative officer?

Mr. CUMMINS. Oh, in most of the States there is no administrative officer who occupies the relation to the Government that the Department of Labor occupies to the Federal Government. In my own State the law is administered by a single person, and we have a population of 2,500,000.

Mr. KERN. Does not the Senator's State have a commission?

Mr. CUMMINS. We have not; no. There are States, I admit, in which a commission, I think, is necessary—in which certainly the services of more than one person is necessary—like New York and Massachusetts.

Mr. KERN. In nearly all the States there is a commission to administer the law, and I did not know that there was an exception in the case of the State of Iowa.

Mr. CUMMINS. Mr. President, that does not mean anything to me—the fact that they want to put the matter in the

hands of commissions in some States. These States which have commissions mainly empower the commission to do very many things that are not authorized in this bill. The commission has, in most instances at any rate, a function to perform really apart from the distribution of compensation; but in the case before us there is no necessity for a commission. It can not do anything except to spend money unnecessarily.

But that is not my main reason. I have another reason that I am almost reluctant to disclose. I desire that this law shall be administered sympathetically. If it is not administered by a man or a board in sympathy with labor, in sympathy with those who have suffered in the course of their employment—I mean men who labor have suffered—very much of the benefit which is expected to be derived from it will be lost. We have organized a Department of Labor, and it may be assumed that the Secretary of Labor, the head of that department, will always be in sympathy with the great mass of the laboring people of the United States. To assist him this bill is proposed; and I would rather intrust the administration of the law to him, through his department, with his association with labor, than to intrust it to an independent commission which will become in a measure hostile just as certainly as time passes on.

Mr. STONE. Mr. President—

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. STONE. I am not at the moment so much concerned about what the Senator has said as to a sympathetic administration of the law as I am about another feature of the discussion. I submit for the judgment of the Senator whether a law like this ought not to be administered impartially, not partially; whether it ought not to be administered with the one central idea of having absolute justice in every case? The establishing of an agency to administer a law, based upon the idea that that agency is to be especially sympathetic with a certain interest, does not occur to me to be a wise theory of legislation. I do not disagree, nor would any other Senator disagree, with my friend from Iowa on the general, broad ground of human sympathy, but I doubt if laws should be passed or administered on the ground of sympathy rather than of justice.

But I do not care to enter further into that now. What I rose especially to ask related to the administration of this law in the Department of Labor.

I am entirely in sympathy—since we speak of sympathy—with what the Senator has said against the multiplication of commissions. We have too many of them already. Some commissions undoubtedly ought to be created; but we have fallen into the habit of making a commission to do every little thing we start in to do here in the Congress, when it might as well be done, and done as efficiently and at less expense, by turning the administration of the law over to an agency already established.

The Senator from Iowa says that the administration of this bill, if it becomes a law, should be left to the Department of Labor. Aside from the sympathetic aspect of the matter to which the Senator has referred, it seems to me there is sound sense in his suggestion. What is the need of this commission? Why must we have a commission of three or four men with large salaries every time we start in to do anything? I believe the salary here provided for is \$4,000.

Mr. GALLINGER. Yes; \$4,000.

Mr. STONE. Then, the salaries of other commissions rise on a graduated scale, presumably according to the importance of the work. Now, it seems to me a \$4,000 salary is not going to attract to the service men of extraordinary ability. You will get good men, men of average ability, and that is all.

In some ways what the Senator is saying appeals to me; but I should like to have him tell me just what the agencies now are in the Department of Labor through which this law could be administered. And will it not be necessary, if you strike out the commission clause in the bill, to devise some other or additional means of administration operating under the Secretary of Labor?

Mr. CUMMINS. Mr. President, it is not necessary to organize a bureau in the Department of Labor. As I understand, the Secretary of Labor now designates certain persons in his department to administer the law we have; but I hope the Senator from Missouri will remember that the law we have is a very imperfect and inadequate and rather inconsequential affair as compared with the law we are now about to pass.

Mr. KERN. And I was about to say, ineffectually administered.

Mr. CUMMINS. I do not know that. I am very glad that the Senator from Missouri agrees with me with regard to the first objection I proposed to the creation of a new commission, and I know that he would agree with me with regard to the

second if we understood each other. I do not want it to be thought that when I used the word "sympathetic" I implied that the tribunal was to be partial or unfair or unjust to either side; but I think there is a great distinction between an injustice that results from a conscious hostility to a person and an injustice that arises because of the bent of mind, the tendency of the intellect, the want of sympathy with the class to which the person injured may belong.

Now, I ask the Senator this question: We have organized a Department of Labor. Suppose that a President were so far shameless as to propose a Secretary of that department who was known to be hostile to the great laboring organizations of this country and to the people who were represented in those organizations. Suppose the President of the United States should take the president of the National Association of Manufacturers for that position. The Senator from Indiana [Mr. KERN] knows some of the persons belonging to that association and their attitude toward labor. I am not criticizing them. They have a perfect right to hold their opinions; but suppose it were suggested that such a man be made the Secretary of Labor, to preside over this department, which is intended to further, promote, and encourage the cause of labor. There would be universal protest against it. Why? Not because the president of the National Association of Manufacturers is a dishonest man or would administer the law dishonestly or with conscious unfairness, but because, by reason of his position, he would be incapable of viewing the whole ground; and I meant that we ought to put the administration of this law in the hands of men who had a care for labor and a real sympathy for laborers.

Mr. STONE. Mr. President—

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. STONE. I have just been called out for a moment; but before going I should like the Senator to explain, so far as this particular matter he is discussing goes, what would be the difference, in selecting people who are sympathetic or nonsympathetic, whether the appointments related to the secretaryship or the commissionership? The President appoints both, subject to the approval of the Senate.

Mr. CUMMINS. This is the difference—and I want the Senator to wait until I answer that, because it is a pertinent question. The difference lies in this: When the President comes to select a Secretary of Labor he must have in mind a great many things, and no President would venture to select a Secretary of Labor out of sympathy with the cause which that department is supposed to represent or to protect; but when the President comes to appoint the members of a commission to administer a compensation law, having no other duties, the influences would be very different.

Mr. President, I did not intend to occupy the length of time I have occupied in the submission of this amendment. I have done it in fulfillment of a promise to members of the Judiciary Committee of the Senate, and especially in fulfillment of a promise I made to the Senator from Utah [Mr. SUTHERLAND], eulogized, and very properly eulogized, this morning by the Senator from Indiana [Mr. KERN]. This does not mean that I am not in entire accord with and earnestly in favor of the proposed amendment. I am. I believe the law will be better administered, more economically administered, and that the whole country will be better satisfied, if this work remains with the Secretary of Labor.

Mr. KERN. Mr. President, I have no pride of authorship in this bill, for, although it bears my name, I did not prepare it. It was prepared with great care, and after much thought and consideration, by an association of thinkers and workers in economic and philanthropic fields, associated in New York under the name of the Society for the Promotion of Labor Legislation. It is a patriotic association, made up of the best economic thinkers and workers of the country, who have approached the consideration of the subject from the standpoint of both employer and employee, and, above all, from the standpoint of the public good. This bill was, after great thought, worked out by that great association, brought here, and introduced by me in the Senate and by a Representative from Maine in the House.

I have not been able to give to this subject the careful thought and consideration that was given it by the scholars and thinkers who make up that society. I perhaps could not occupy quite so disinterested a standpoint as the men and the women who compose that society. We are about to pass a great piece of legislation that we hope will be a model of its kind. It affects 400,000 employees of the Government who have been helpless, in all the years of the past, in the redress of their wrongs and compensation for injuries they have received. It has been disgraceful that the great Government of the United States has lagged behind every nation in the world, civilized and half civilized,

except Turkey, in the care it has given to the people who are employed by it.

I am caring nothing about the question of commissions or the men who may be appointed on the commission. I am caring very little about the \$12,000 that the commission will cost. At a time when we are voting away hundreds of millions of dollars for the implements of destruction, it seems to me that it does not sound well to have men stop and higggle about an appropriation of \$12,000 for salaries for a commission that is supposed to be necessary for the successful carrying out of this great piece of legislation.

Mr. CUMMINS. Does the Senator refer to me as higgling about \$12,000?

Mr. KERN. The Senator was talking about the expense of the commission. The expense of the commission is \$12,000. I perhaps was unfortunate in the use of the word "higgling." I was simply employing a Hoosier term that came to my mind at the moment.

Mr. CUMMINS. The Senator from Indiana has been very industrious I know about the bill, but he has not done any more for it than I have done.

Mr. KERN. I have no doubt the Senator is in sympathy with the bill and the underlying principle of it. I am not criticizing him in anything that he has said, because I assume that he and I are equally interested and that all the friends of the bill are equally interested in having a successful administration of the measure. If it can be successfully administered by the plans suggested by the Senator I have no objection to it, but I am not convinced that it can be so successfully administered, and the people who have given months and years to the study of this question are not so convinced. The Secretary of Labor is not so convinced. Its friends care to comment on the fact that there are some Senators here, and I do not refer to the Senator from Iowa, who have perhaps not given an anxious consideration to the bill and who stand up and say, "What is the use of a commission?" putting their judgment, after no investigation at all, against the judgment of people who have given the matter such profound thought.

The Senator from Iowa proposes that there shall be no provision for a commission, but that the work of administration shall be devolved upon the Secretary of Labor; in other words, to devolve upon the Secretary of Labor this great piece of legislation which involves the work of 400,000 and say to him, "Enforce it." The Senator from Iowa must know, as we all know, that the Secretary of Labor, with the multifarious duties devolved upon him by law, has no time to even personally oversee the great work of the administration of this law. Somebody else, then, must be called in by him, and who shall he call in? Has he the head of a bureau, has he the head of a division who does not now already have duties to perform that occupy his entire time? The Senator from Iowa by his amendment designates no officer; he confers no power to procure officers, but simply says, "Enforce the law."

Mr. CUMMINS. The Senator from Indiana is mistaken about that. He has not read the amendment. Of course he has had no opportunity to read it.

Mr. KERN. I beg pardon.

Mr. CUMMINS. I say the Senator from Indiana is mistaken in his last statement.

Mr. KERN. I will be very glad to be corrected by the Senator now.

Mr. CUMMINS. The amendment provides that the Secretary of Labor may designate a person or persons in his department to do this work.

Mr. KERN. In his department. That is the very question I was calling attention to. What person is there in his department who has such leisure now or who will have such leisure in the coming years to take upon himself the difficult work, for it will be a difficult work, of enforcing the provisions of this law?

I repeat, the Senator from Iowa and myself are working to the same end precisely; I know he is interested in the successful administration of this law, and I am sure I am; the only question between us is as to how its provisions may best be carried out. I believe with this great nonpartisan association that has brought a bill here, it can be best carried out and best administered by a commission specially appointed for that purpose. I presume that no President of the United States can be found, no matter what political party has elected him, who will appoint any board to administer this law that is out of sympathy with the law. There are no adverse interests that will conflict before the board. It is only a question of a just administration of the law. The parties who apply for relief are all employees of the Government. The only question is as to whether or not they bring themselves within the purview of the law.

I have heard that the Secretary of Labor has said—he has not said it to me—that there are two difficulties about the administration of the law by his department. In the first place, all the employees of the Department of Labor who were injured in any way would have to have their claims settled by the department to which they belong, and of the administration in that way there would be criticism or there would be likely to be criticism. That is not my idea at all. If the Secretary of Labor said this he may be unduly sensitive, but I can see with a thousand or two thousand employees how he would hesitate about having any employees of his passing on claims of those in the same department who would be injured.

It was supposed, I imagine also, that the clerks who would have to be called upon for the administration of the law, because the Secretary of Labor could not give it his personal attention and would not be expected to give it his personal attention, perhaps engaged in mere routine work would not take the interest in the subject they had to consider as would a commission which was appointed and charged with the execution of the law. I suppose it was thought by those who framed the bill that if a commission were appointed it would look further into the general subject than a set of mere clerical employees would do. The question of vocational disease is very closely allied to this, and it would be interesting if this board were given power to make an investigation along those lines.

I know the general question has received very thoughtful consideration. I think that is all I care to say on this subject. I believe with those who framed the bill that the law can best be carried out by a commission. If that be true or if there be a doubt on the question, I do not think the expenditure of \$12,000 ought to stand in the way of a successful administration of the law.

Mr. LANE. Mr. President, I am just as much in favor of the passage of the bill as is the Senator from Indiana, but I have my doubts about the value of a commission in handling these affairs. I think the Department of Labor would be more nearly in touch with the general conditions governing labor and therefore more easily brought into direct touch with the rights of the laboring man when he becomes injured.

Another thing, a commission does not come into close touch with the general run of the working people. They are a divided body, a composite body, and as a general rule they have never been a complete success in the administration of any public business. We have had the Galveston plan, the Des Moines plan of a commission form of city government. The idea came up in Galveston after a calamity which compelled that city to the prompt adoption of a sort of vigilance committee or commission which would be independent of anybody's interest, and it worked charmingly. Then Des Moines, Iowa, adopted it and it went all over the United States, but there has come something of a revulsion, doubts have arisen and a difference of opinion. If it is a commission of three there are three heads, if a commission of five there are five heads, or of seven, seven heads, each one differing a little from the viewpoint of the other members. "Too many cooks spoil the broth." That is a saying as old as history. When too many men govern they do not bring about ideal results. I think it is a mistake. I would much prefer to have a single commissioner rather than to have a commission. We are going to have a tariff commission, and I think it would be a good idea to have a single tariff commissioner.

If this is put into the hands of a single person, of a single department, more particularly the Department of Labor, which is intrusted with the general condition, I think you would find that workmen employed by the Government would have their rights handled to better advantage than by an outside commission, a body composed of men who may or may not be familiar with such questions and they must become familiar with them. The strongest-minded man, the most ambitious member of that commission, will either mold the ideas of the others or cause doubts to arise either for better or for worse.

We have changed in some of our cities on the coast from a single mayor with the veto power, and a council elected from different precincts, and have adopted the commission form of government. So far as the average running of municipalities is concerned, letting things come as they will, we have not the evil that existed with the old partisan council; they have improved conditions, but they are far short of arriving at ideal management in municipal government.

I am in favor of the amendment of the Senator from Iowa, and I am in favor of it because I think it is better. I would be in favor of a single commissioner. It is not an expensive commission, but they will build up another bureau unto themselves. This Government is a government of bureaus. A lot of gentlemen are sitting around here in great dignity, and they

think they run the Government. It is a delusion. The bureaus run it.

We but make the appropriations and much talk, but the general affairs of the people are not going on in a manner which is a credit either to this body or to the Nation at large. I should like to see this work in the hands of an already existing department which is in immediate touch with the general situation and for the benefit, if you please, I will say to the Senator from Indiana, of the laboring man.

Mr. KERN. What bureau has the Senator in mind? Whom does the Senator propose shall administer this law?

Mr. LANE. The Department of Labor.

Mr. KERN. Come right down to the fact. What particular person do you propose shall personally administer the law?

Mr. LANE. I would put it in the hands of the Secretary of Labor and give him means to hire a superintendent and clerks to present the facts to him. A commission will have to hire many of them; you must construct quarters for them or rent a building. We have not now buildings enough to house those who are already employed by the Government. Commissions are removed from the people by necessity, retired, if you please, to themselves in private conference, and such is not good, in my judgment. For that reason I am in favor of the amendment of the Senator from Iowa.

Mr. SMITH of Georgia. Mr. President, from the committee I presented one amendment to the bill which the Senator from Indiana opposed and the Senator from Iowa opposed, and, finally, while I still voted for it, I practically surrendered it.

Now, in this instance I am entirely in sympathy with the framers of the bill, with the friends of the measure, who have studied it so long. I may have been wrong as to the one I advocated myself. I was against their views upon that measure. I am sure I am right now in supporting their views and in supporting the Senator from Indiana.

The Secretary of Labor can not administer this bill. He can not do anything himself about it. He is occupied now. This measure is entitled to a distinctive head, to responsible persons who will supervise the administration of this law and bear before the public the responsibility. You dump it into the Department of Labor and say to the public nominally the Secretary of Labor is responsible. He can not handle it. He must name somebody else. Under the plan of the friends of this measure, under the plan of the bill introduced by the Senator from Indiana in the Senate and now passed by the House, we will have three responsible men responsible to the country for the supervision and direction and administration of this measure.

I very cordially support the views of the Senator from Indiana upon this subject, and hope the amendment of the Senator from Iowa will not prevail.

Mr. LANE. I should like to say, with all due courtesy to the Senator who has just spoken, that he does not by this amendment secure a responsible head; but, as he states himself, he secures three heads. There is the trouble. If we had a single commissioner it would be much better, but to place it under three heads you have a divided commission.

Mr. SMITH of Georgia. I do not agree at all with the Senator from Oregon. I believe in the wisdom of numbers. I believe that three good men conferring together and cooperating to administer this law will administer it better than one, and so do the friends of the measure.

Mr. CUMMINS rose.

Mr. SMITH of Georgia. I mean the friends of this particular bill. I do not mean at all that the Senator from Iowa is not just as much in favor of legislation of this kind as I am.

Mr. CUMMINS. It is not true either that the friends of the measure outside of Congress are all for the creation of a commission. That is assumed sometimes, but it is not true. I do not say that either the Senator from Georgia or the Senator from Indiana so claim, but there is an atmosphere here that all those who have studied this subject a long time and have organized themselves into a society to develop it are in favor of creating a commission. I know that it is not true, although there are many of them; I agree to that; but most of them are for a commission for no reason given by the Senator from Georgia, but for a reason that was outlined by the Senator from Indiana. The reason is it is hoped that the commission will expand and take in a great many other subjects than mere compensation.

The Senator from Indiana said, and he said truly, that it was hoped this commission will finally become the source of investigations of vocational disease, and that is only one of a dozen things which they hope the commission will finally be empowered to do. I am not out of sympathy with all these investigations at all, but I am in favor of taking care of them as they come along and as they become absolutely necessary. We are doing

a great deal of work along that line now through organized departments of the Government.

I am opposed to the commission partly because it is a mere cloak for a function that is not at all related to compensation. If you were to strip the subject down to its bare bone and look simply at the award of compensation to injured employees, I doubt whether many of those who have been interested in this subject would favor a commission rather than the Department of Labor. It is the history of this country, and every other, too, that these things develop. If this commission is created, I think one man with a fair body of examiners at his command can administer this law and do it with justice, because the commission is not to be composed of men of eminence or distinction. The commission is to be composed of men who are willing to work for \$4,000 a year. You can not get men who are capable of exploring these unknown fields of disease for \$4,000 a year.

Mr. SMITH of Georgia. The only place to do that work is with the Health Department, already organized, with the surgeons there. I would be utterly opposed to attaching it to this commission or to the Department of Labor.

Mr. CUMMINS. I have no doubt of that; but has the Senator any doubt that those who are laboring so diligently for a commission instead of the Secretary of Labor have that in mind?

Mr. SMITH of Georgia. I had never heard it before it was mentioned on the floor.

Mr. CUMMINS. The Senator from Indiana heard it, because he gave it utterance a few moments ago, and I have heard it from many sources since it was known that I would propose the amendment restoring this function to the Secretary of Labor.

I do not oppose a commission because it will cost \$12,000 a year for the salaries of three commissioners. I am numb about the expenditure of money. It does not make any difference about the expenditure of money; I have no judgment about it any more. When we propose here, as we do every day, to spend millions and millions and millions, one gets accustomed to ignoring ordinary economical considerations. We voted yesterday to pay out \$50,000,000 which I think will be entirely wasted. Do not accuse me of any particular niceties about the expenditure of money. I am opposed, however, to the distribution of power in this way and to the accumulation of men around a commission who are unnecessary to do the work.

I said in the beginning, and I say now, that it would take 10 men to do the work for the commission where one will do it if it is under the supervision of the Secretary of Labor. They must have a certain number of employees in order to secure a standing. What would a commission be considered if it had only one room and only three or four clerks? It would be utterly ignored. It will have a suite of 20 rooms.

Mr. SMITH of Georgia. We ought to have force enough to control matters of that sort and refuse to permit expenditures we deem unwise.

Mr. CUMMINS. We have not.

Mr. SMITH of Georgia. I hope we will grow in capacity to resist useless expenditures.

Mr. CUMMINS. I mean to say, if the commission is created, it will have a suite of 20 rooms in some building in Washington, and it will have a hundred clerks. I am simply estimating the subject; I do not know, but that has been the history of such things. But my chief objection is that it belongs to the Department of Labor, and the Secretary of Labor can bestow upon this work the same supervision that he bestows upon every other work which is committed to his care. He does personally but little, I assume, of the work required of the Department of Labor, but his eye surveys it all and his influence dominates it all. That is the reason why I am in favor of giving him the administration of this law.

Mr. JONES. I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. Certainly.

Mr. JONES. This information may have been given to the Senate by the Senator in charge of the bill. I was out during a part of his remarks. The Senator from Iowa has given this matter a great deal of consideration. It was taken up, I understand, in the Judiciary Committee. I wish to ask him if there is any estimate as to how many employees of the Government would probably be injured; in other words, How many claims are likely to require adjudication annually?

Mr. CUMMINS. No such estimate has been made and probably it would be impossible. I stated when the Senator was out of the Chamber that out of the 100,000 employees now covered by the law which awards some compensation there are

between four and five thousands injuries, great and little, during the course of a year.

Mr. JONES. Out of the 100,000 who are in specially hazardous employments?

Mr. CUMMINS. They are in specially hazardous employments. The 300,000 or more who will be added by this measure will not add proportionately to the number. I am sure they include the clerks and other employees whose occupations are exceedingly safe.

Mr. President, upon this amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND] which I transfer to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CURTIS (when his name was called). I am paired with the Senator from Georgia [Mr. HARDWICK] and therefore withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GOVERN]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON] which I transfer to the junior Senator from Nebraska [Mr. NORRIS] and vote "yea."

Mr. STERLING (when Mr. LODGE's name was called). I have been requested to announce the absence of the senior Senator from Massachusetts [Mr. LODGE] and to say that if present he would vote "yea" on this amendment.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. SHAFROTH (when his name was called). I am paired with the junior Senator from Washington [Mr. POINDEXTER], and I therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nebraska [Mr. HITCHCOCK], and will let that transfer remain for the balance of the day. I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the senior Senator from Nevada [Mr. NEWLANDS] to the junior Senator from Iowa [Mr. CHAMBERLAIN] and vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

The roll call was concluded.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from New York [Mr. WADSWORTH] with the Senator from New Hampshire [Mr. HOLLIS]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. THOMPSON. I am requested to announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN]. He is paired with the junior Senator from Idaho [Mr. BRADY].

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business. If he were here, I do not know how my colleague would vote on this question.

Mr. SHAFROTH. I transfer my pair with the junior Senator from Washington [Mr. POINDEXTER] to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. OWEN (after having voted in the negative). I wish to announce the transfer of my pair with the Senator from New

Mexico [Mr. CATRON] to the Senator from Illinois [Mr. LEWIS] and will let my vote stand.

The result was announced—yeas 20, nays 27, as follows:

YEAS—20.

Brandegge	Fletcher	Jones	Reed
Bryan	Gallinger	Lane	Sherman
Clapp	Gronna	McCumber	Smoot
Cummins	Harding	McLean	Sterling
Dillingham	Hughes	Nelson	Weeks

NAYS—27.

Ashurst	Lee, Md.	Saulsbury	Smith, Md.
Bankhead	Myers	Shafroth	Swanson
Chilton	Overman	Sheppard	Thomas
Husting	Owen	Shields	Thompson
James	Phelan	Simmons	Tillman
Kern	Pomerene	Smith, Ariz.	Underwood
Lea, Tenn.	Robinson	Smith, Ga.	

NOT VOTING—48.

Beckham	Fall	Lodge	Smith, Mich.
Borah	Goff	Martin, Va.	Smith, S. C.
Brady	Gore	Martine, N. J.	Stone
Broussard	Hardwick	Newlands	Sutherland
Catron	Hitchcock	Norris	Taggart
Chamberlain	Hollis	O'Gorman	Townsend
Clark, Wyo.	Johnson, Me.	Oliver	Vardaman
Clarke, Ark.	Johnson, S. Dak.	Page	Williams
Colt	Kenyon	Penrose	Wadsworth
Culbertson	La Follette	Pittman	Walsh
Curtis	Lewis	Polindexter	Warren
du Pont	Lippitt	Ransdell	Works

So the amendment of Mr. CUMMINS was rejected.

Mr. HUSTING obtained the floor.

Mr. SMITH of Georgia. I desire now to present an additional amendment, to be known as section 28a, which I send to the desk.

The PRESIDING OFFICER. The Chair had recognized the Senator from Wisconsin.

Mr. SMITH of Georgia. I ask the Senator from Wisconsin to yield to me to complete the amendments of the committee?

Mr. HUSTING. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia on behalf of the committee will be stated.

The SECRETARY. It is proposed to add a new section, to be known as section 28a, to read as follows:

SEC. 28a. Upon the organization of the said commission the work of the Department of Labor connected with the adjustment of claims of employees of the United States for injuries shall cease, and all pending investigations and proceedings in the Department of Labor in connection therewith shall be continued by the commission. All clerks and employees now engaged in carrying on said work exclusively in the Department of Labor shall be transferred to and become employees of the commission at their present grades and salaries.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. HUSTING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. On page 1, line 8, it is proposed to strike out the words "or by the employees" and to insert in lieu thereof the word "with," so that if amended it will read:

That the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained while in the performance of his duty, but no compensation shall be paid if the injury or death is caused by the willful misconduct of the employee with intention to bring about the injury or death of himself or of another.

Mr. HUSTING. Mr. President, I offer this amendment for the reason that I think it makes clear what must have been the purpose of the bill. If it was the purpose or the intent of the bill to withhold compensation for any willful misconduct that had no connection with the injury at all, then it injects something into the bill that I do not think ought to be in it.

Putting the question of willful misconduct in this bill not in any way connected with the injury, except, perhaps, going from one machine to another or not doing his work in just exactly the manner in which he had been directed, would merely once more be putting back into this bill the question of negligence. It seems to me that if any willful misconduct is going to be penalized it should only be when that misconduct leads to or is the proximate cause of the injury. While I do not care to be holding before the Senate what other States have done, I do not believe there is any compensation act where the question of negligence has not been eliminated—that is, ordinary negligence—but that the law provides that only in case of gross negligence, which amounts to a willful purpose or a willful act on the part of the employee for the very purpose of injuring himself or subjecting himself to injury, is put in those laws. It seems to me this amendment will take care of any willful misconduct on the part of an employee who

wantonly or willfully subjects himself to an injury; in other words, as to a man who wants to injure himself. That is the kind of conduct that ought not to entitle an employee to compensation, because it is not an incident of his employment, but is something that is entirely extraneous from the employment itself. When an employee, for the purpose of receiving compensation for some reason, goes and willfully injures himself in order to secure compensation, he ought not to receive it, because it is not something that ought to be charged up to the industry; but any other misconduct which might be termed willful, such as going from one machine to another or not strictly obeying the orders received or anything else of this kind which in a court of law would be termed "ordinary negligence," ought not to be put into this bill.

I am afraid that "willful misconduct" will be construed by the commission to mean disobedience to orders or things of that kind, which, while perhaps connected with the injury, in that the injury would not have occurred had the orders been obeyed, yet under the broad terms of the compensation act they ought not to prevent a recovery. I trust the amendment may be adopted.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin.

Mr. HUSTING. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HUSTING. I call for a division.

The question being put, on a division the amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COST OF LIVING IN THE DISTRICT OF COLUMBIA.

Mr. REED obtained the floor.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. SMITH of Georgia. There is one little matter that I should like to have disposed of, namely, House joint resolution 91.

Mr. REED. Mr. President, if it is going to take any time or involve debate, I will have to object. I only desire about five minutes.

Mr. SMITH of Georgia. I do not think it will take any time or lead to debate. It is Order of Business 585, and provides for an inquiry by the Department of Labor into the cost of living in the District of Columbia. It has been reported favorably, and I do not believe there is any objection to it.

Mr. SMOOT. Mr. President, I shall not object to the consideration of the joint resolution, but I did intend to ask unanimous consent that the calendar be taken up for the consideration of bills to which there is no objection.

Mr. SMITH of Georgia. I will join in that just as soon as the joint resolution is disposed of, if the Senator will allow me.

Mr. SMOOT. Then I will not object to the consideration of the joint resolution.

The VICE PRESIDENT. The Senator from Georgia asks unanimous consent for the consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GALLINGER. Mr. President, I ask the Senator from Georgia if he seriously thinks that the expenditure of the \$6,000 proposed to be appropriated by the joint resolution will result in any benefit to anybody?

Mr. SMITH of Georgia. Well, I am not prepared myself to say that it will, but the friends of the measure seem to think it will accomplish good, and I am only acting for them.

Mr. REED. I thought I had the floor. I do not want to yield it.

Mr. GALLINGER. I feel constrained to object to the consideration of the joint resolution.

Mr. SHAFROTH. I hope the Senator will not object. This is a matter in which one of the Representatives from Colorado is very much interested. There can not be anything wrong in it. It affects a solution of the question as to what sum of money women who are employed in various occupations in the District are able to live on.

Mr. GALLINGER. It does not apply only to women; it applies to all of the people of the District of Columbia, and I

know of no reason why we should not investigate the cost of living in New Hampshire just as well as in the District of Columbia. I object to the present consideration of the joint resolution.

SAMUEL GOMPERS.

The VICE PRESIDENT. The Senator from Missouri is recognized.

Mr. REED. Mr. President, I would not take the time of the Senate just now, but I am obliged to leave the city this evening, and the matter I wish to call attention to has now been allowed to pass unnoticed too long.

On August 15, in the course of a speech, the Senator from Illinois [Mr. SHERMAN] saw fit to go outside of the record and outside of any question being considered by the Senate to make certain remarks regarding members of the Cabinet and officials of the Department of Labor, and regarding Mr. Gompers, president of the American Federation of Labor. The Government officials to whom he referred may, and doubtless will, if they consider the attack worthy of attention, reply in their own way. My attention has been directed to this matter by Mr. Gompers in a letter; and, in view of the fact that the attack was placed in the CONGRESSIONAL RECORD under the privileges of the Senate, I think Mr. Gompers's reply ought to be given equal publicity, especially in view of this challenge which the Senator from Illinois included in his remarks. I quote:

Gird up your loins, Mr. Gompers, and answer me like a man. I will teach him a few degrees of active, practical civic decency in my country that he does not know of if he will only come out and give the people a chance.

Mr. President, in the course of his remarks the Senator from Illinois also used this language:

No more insufferable control or tyranny ever cursed a country than these parasitical men who exploit labor and live off the sweat of somebody else's brow. Mr. Gompers is a public nuisance.

He also attacked another gentleman. I quote:

Mr. Keegan is a Socialist, or in all probability what might be designated an economic crank; and they are the ones who find lodgment in high places and are in high favor in this administration, from Redfield clear down to Mr. Keegan, or clear up, I do not know which it is.

A little further on the Senator from Illinois said:

I will say now what I said publicly in 1914 about Mr. Gompers. Before Mr. Gompers criticizes any one in public life I ask him to remember that in the conspiracy leading to the indictment of the dynamiters at Indianapolis, Ind., before they were tried, before the instrumentalities provided by the Department of Justice had resulted in a public hearing where justice might be administered, Mr. Gompers set up a tribunal of his own and tried them and had them acquitted. He prostituted the cause of labor to the point of using the funds of the laboring men of this country to defend these criminals who had without cause, wantonly in cold blood, sent to their death 19 men and women in the city of Los Angeles, Cal.

After he had tried them and found them innocent, almost before the ink was dry upon his statement of their innocence, the McNamaras pleaded guilty, and are now engaged in penal pursuits at the behest of an indulgent State where they are removed from the scene of their murderous activities.

Mr. Gompers has never apologized to the law-abiding men of the country, but here and now I say the most fortunate thing that has ever happened to Mr. Gompers is that he escaped indictment himself upon a similar charge in the same conspiracy.

Then follows this statement:

It is high time some one said a few wholesome things of Mr. Gompers. It will serve to arrest a vicious tendency to let him run riot in the methods of intimidation and coercion he has habitually employed against men of both parties for several years.

Then the challenge "Gird up your loins, Mr. Gompers," which I already have read. Then this paragraph comes:

Mr. Gompers is now supporting the Democratic ticket and I am perfectly satisfied to have him do so. He is welcome, and the party is welcome to his support. I do not know what his original politics was, if he ever had any. I think he follows about the same characteristics as the McNamara brothers do, and preys upon all in turn, playing no favorites at any time where benefits can be acquired.

Mr. President, a moment ago, before I took the floor, the Senator from Illinois was in his seat, but left before I rose. I at once sent a messenger to try to find him, because I wanted to make these observations in his presence. He has not returned to the Chamber, and I assume, of course, the messengers were unable to locate him.

Mr. GALLINGER. Mr. President, I think the Senator must be mistaken when he says the Senator from Illinois was in his seat a little while ago.

Mr. REED. I was not mistaken; I saw him.

Mr. GALLINGER. The Senator who sits next to him did not see him, and I did not see him.

Mr. REED. The Senator was in his seat, and I saw him a few moments ago. Perhaps he was not in his own seat, but he was in the Chamber, unless I am afflicted with bad eyesight. So what I am going to say is a very different statement than I would make if the Senator from Illinois were here, because if he were here I should make the statement very much more

forceful. I am now informed that on the last roll call, which occurred only a few moments ago, the Senator from Illinois did answer to his name. I make that statement only because it fortifies my statement that the Senator was in the room a few minutes ago.

Mr. President, I hold no brief for Mr. Gompers, but I regard it as a misfortune that a man should be practically accused on the floor of the Senate of being a murderer, if not that of being in league with murderers, and of being one who preys upon society, when the sole offense of which he appears to be recently guilty, according to the statement of the Senator from Illinois, is that he is supporting the Democratic ticket.

I sometimes think it is a misfortune that men on the floor of the Senate are immune from the pains and penalties of the law against libel and slander. I have known Mr. Gompers in a way—not intimately, but I have been thrown in contact with him—for a number of years. I have had occasion to follow his public acts; for I speak of his acts in connection with the great labor organization to which he belongs as in the nature of quasi-public acts. I have never known him to do an unjust or unlawful act. Instead of being an instigator of strife, it is well known that he is one of the most conservative advisers of that great body of men of which he is the head. I challenge any man to point to a single time when Mr. Gompers has not sought to promote the interests of the great laboring classes of this country by peaceful means.

It is true that in this vast army of organized labor there have been extremists, and it is true undoubtedly that the McNamaras dipped their hands in the blood of their fellow men; but that they represented the sentiment and desire of organized labor no decent man in this country will charge.

There have been men, there are occasional individuals, who attach themselves to every society, to every organization, whether secular or ecclesiastical, who do so for sinister and evil purposes, who reflect by their acts discredit upon the organizations to which they belong. There are men who have sat in this Chamber whose words and conduct have not added luster to this body. But only the most narrow, the most prejudiced, the most evil-minded of men will charge the individual act of one wicked man to an entire body of men.

Mr. SHERMAN entered the Chamber.

Mr. REED. I am glad to observe that the Senator from Illinois has entered the Chamber. The man who will condemn organized labor because two or three of its members individually engaged in a murder conspiracy will make a charge and issue a decree of condemnation which is discreditable to its author.

It is true a number of men were tried and convicted, but of what? Of willful murder, as the Senator's remarks would seem to charge? They were convicted under this section of the statutes, and upon no other:

It shall be unlawful to transport, carry, or convey any dynamite, gunpowder, or other explosive between a place in a foreign country and a place within or subject to the jurisdiction of the United States, or between a place in any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, and a place in any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, on any vessel or vehicle of any description operated by a common carrier, which vessel or vehicle is carrying passengers for hire.

The charge was that dynamite had been sent in that way by somebody. The great majority of these men were connected with that charge through certain letters they had written, and in a number of instances those letters were as susceptible of a perfectly innocent construction as of an evil one. I say now, touching three men who were convicted from my own State, all of whom I personally know, that I do not believe they had any more idea of engaging in a criminal enterprise than I believe the Senator from Illinois would engage in such an enterprise.

The Senator said that Mr. Gompers was fortunate in escaping indictment. Why? Does he know of any act of Mr. Gompers that is indictable? Or was that the mere explosion of the Senator under the privileges of this floor?

It is true, not that Mr. Gompers but that the controlling board of the American Federation of Labor, believing that these men were innocent, furnished them some funds for defense; and a number of men were declared to be innocent. Every man in this world is entitled to a proper defense in court; and the furnishing of money to afford him that defense is not a criminal act in and of itself; nor does it make the man who furnished the money particeps criminis, nor justly place him in a position where he can be assailed on this or any other floor as a fellow conspirator in acts of murder. Neither is such an act as I have referred to—as has been suggested to me by a Senator sitting by my side—inconsistent with the highest citizenship.

Mr. President, I do not know whether Mr. Gompers is supporting the Democratic ticket or not. I do not know whether Mr. Gompers ever takes part in politics. I do not know whether he is a Republican or a Democrat. I would naturally infer that his leanings would be toward the Democratic Party, because he has expended the forces of a truly great mind and the energies of a great heart in endeavoring to conserve the interests of the great body of the common people. When this kind of charge is made against Mr. Gompers, it is not a reflection upon him alone. For many years he has stood at the head of the organized labor of the United States—that vast body of men whose brains and energies run every great industry of this land; whose powerful backs and mighty arms are producing the wealth of this country; who guide the locomotive through the storm and the night, drawing its precious freightage of human lives; who stand within the glare of roaring furnaces, and, at the brink of death, snatch wealth for the benefit of all; who toll in the starless night of the mine and bring up the glittering gold and the shining coal for the benefit of all the world; who meet upon the Sabbath day in temples of religion and at their fire-sides bow before the God that made us all; who in the light and shadow of life gather their families about them and fight the battle of existence for the benefit of wife and child and country; who have enlisted in every war and died on every battle field; whose blood is our blood; whose hearts are attuned to the highest character of citizenship and manhood. That great body of men have placed and kept at their head for many years Samuel Gompers; and an attack such as has been made upon him is an attack upon the men who have so long honored him and so faithfully followed him.

Mr. GALLINGER. Mr. President, will the Senator yield?

Mr. REED. Yes; I yield.

Mr. GALLINGER. The Senator says that he does not know that Mr. Gompers has ever taken part in politics. The Senator recalls the fact that Mr. Gompers and three or four other men with him went into Maine a few years ago for the announced purpose of defeating Mr. Littlefield because Mr. Littlefield had not agreed to the matters that Mr. Gompers undertook to force through Congress.

Mr. REED. I said I did not know whether he was a Democrat or a Republican; but I expect that, when he finds a man who has absolutely stood against the interests not only of labor but of the country, he has voted against him and perhaps worked against him. Incidentally, the lobby investigations of this body will show that in that same election an organized lobby, having its headquarters in this town, sent its emissaries into Maine to work for Mr. Littlefield and the Republican ticket, and sent its funds there to corrupt labor men and to flood that State with money.

Mr. GALLINGER. Mr. President, what I meant to say to the Senator was that I think he is mistaken when he says that Mr. Gompers does not interfere in elections. Mr. Gompers invaded New Hampshire last November and issued a proclamation containing 12 counts against the Republican candidate, almost every one of which was either untrue or partially untrue, and rallied the forces all over that State.

Mr. REED. That is, against the Senator himself?

Mr. GALLINGER. It was against me personally; yes.

Mr. REED. Mr. President, I so like the Senator personally that I would dislike to vote against him in his own State; but, believing, as I do, that the Senator's whole idea of public business is a mistake, if I lived in the Senator's State I would have to bring some charges against him myself, and I have not any doubt that if he lived in my State he would reciprocate.

Mr. GALLINGER. If I lived in Missouri I would reciprocate; no doubt of it.

Mr. REED. But I would not expect, because I went into his State, that any man anywhere would accuse me of being a criminal.

Mr. GALLINGER. Well, I am not discussing that feature of it, Mr. President; not at all. I merely wanted to suggest that Mr. Gompers does interfere in politics in this country, and interferes oftentimes in a way that is utterly unjustifiable.

Mr. REED. Well, now, for instance, he went to the State of Maine when there was an organized lobby known as the Manufacturers' Association, represented by that distinguished gentleman, Col. Mulhall, doing business in that State. Mr. Gompers went there to make speeches, I presume, against him. Is there anything wicked or wrong about that?

Mr. GALLINGER. It simply disproves the Senator's contention that Mr. Gompers does not interfere in politics.

Mr. REED. I did not make that statement.

Mr. GALLINGER. I understood the Senator to say so.

Mr. REED. I said I did not know whether he was a Democrat or a Republican.

Mr. GALLINGER. The Senator went beyond that.

Mr. REED. But I can understand that, being a good citizen and being interested in labor, he naturally went up to offset the effect of the lobby that was operating in Maine in the interest of the Republican ticket.

Mr. GALLINGER. Yes. Then he was a Democrat, of course.

Mr. REED. Why, he was at that time acting not only in the cause of Democracy but in the cause of good citizenship.

Mr. GALLINGER. Perhaps so.

Mr. SHERMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. SHERMAN. Does the Senator from Missouri know whether or not Gompers, junior—Samuel J. Gompers—is on the Democratic pay roll under this administration in a political office?

Mr. REED. Mr. President, I do not know whether Mr. Gompers has a son or not. Does the Senator from Illinois?

Mr. SHERMAN. I shall in due time enlighten the Senate as to the condition of the Gompers family with reference to the public pay rolls, and also with reference to drawing subsistence from various labor unions in this country.

Mr. REED. But if Samuel Gompers has a son, and the son is upon the pay roll and is drawing a salary from the Government, is that any warrant for attacking the father? Does it close the mouth of the father so that he can not speak? Does it give occasion to intimate that he is a murderer?

Mr. SHERMAN. Mr. President, will the Senator yield?

Mr. REED. Yes; I yield.

Mr. SHERMAN. The Senator is wandering from the question. I was asking if there was not some cumulative evidence on the question of whether Mr. Gompers at times engages in politics. I will get to the question, as, no doubt, the Senator will before he concludes, of Mr. Gompers's connection with various matters of public concern other than political ones.

Mr. REED. Well, I declare I do not know why I was interrupted now. Is it the idea of the Senator that, if Mr. Gompers has a son working down here in a department, it is a crime, or that it proves that he is a Democrat? Why, it does not even prove that the son is a Democrat. It does not, under this administration, even raise a strong presumption that he is a Democrat. [Laughter.]

Mr. SHERMAN. I hope that will be heard in Missouri, as the Senator is a candidate.

Mr. REED. There is not anything I say on the floor of the Senate that I will not be glad to repeat in Missouri. The only real complaint I have against this administration is that it has kept too many Republicans in office.

Mr. SHERMAN. Let me inquire, if the Senator will permit me, whether it would be any evidence if Gompers, jr., held an office not under the civil service, but one which is political in character, or might be made so?

Mr. REED. It might be some slight evidence that Gompers, jr., was a Democrat, but what of it? It is not a crime yet for a man to have a son; and although the Senator from Illinois may differ, I venture to say that it is not yet regarded as a crime to be a Democrat.

But I am talking about this sort of language of the Senator from Illinois:

Mr. Gompers is a public nuisance. * * * I ask him to remember that in the conspiracy leading to the indictment of the dynamiters at Indianapolis, Ind., before they were tried, before the instrumentalities provided by the Department of Justice had resulted in a public hearing where justice might be administered, Mr. Gompers set up a tribunal of his own and tried them and had them acquitted. He prostituted the cause of labor to the point of using the funds of the laboring men of this country to defend these criminals who had, without cause, wantonly, in cold blood, sent to their death 19 men and women in the city of Los Angeles, Cal.

The money that was employed was used to defend men in the city of Indianapolis not one of whom was charged with murder. I am talking about such language as this in connection with that which I have just quoted:

I say the most fortunate thing that has ever happened to Mr. Gompers is that he escaped indictment himself upon a similar charge in the same conspiracy.

I think he follows about the same characteristics as the McNamara brothers do, and preys upon all in turn, playing no favorites at any time where benefits can be acquired.

It had just been charged by the Senator, and it is well known, that the McNamara brothers were murderers of the blackest type. Here is the language:

I think he—

Gompers—

follows about the same characteristics as the McNamara brothers do, and preys upon all in turn, playing no favorites at any time where benefits can be acquired.

If the Senator will make that charge off the floor of the Senate, where he has not the legal protection which is afforded in this Chamber, I will guarantee a judgment in libel if he makes it in writing and in slander if he makes it orally.

Now, Mr. President, Mr. Gompers wrote the Senator from Illinois a letter. I will read a copy of it, and that is all I have to say:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., August 17, 1916.

HON. LAWRENCE Y. SHERMAN,
Senator from Illinois,
Senate Office Building, Washington, D. C.

DEAR SIR: A few days ago, among a number of things that you took occasion to discuss in addressing the United States Senate when the merchant-marine bill was under consideration, you made a violent attack upon me personally.

I shall not undertake here to make answer to your misrepresentation of me; your willful, malicious, false, and unwarrantable accusations and insinuations, they may well be left for discussion at some other time. But there is not a word I have uttered nor an action I have taken but which has been directed and approved by the American Federation of Labor and its great rank and file. The only inference of your attack, therefore, is not upon me personally or officially but upon the policy, principles, and activity of the American Federation of Labor and the whole body of wage earners who has been and are striving in an American fashion and lawful manner to secure a better standard of life, and equal rights and concepts of these rights with every other citizen of our Republic.

After assuring the President of the Senate that you would not occupy the floor so long as the last time you indulged in some comments on the shipping bill, you then, by way of explaining your position upon that bill, declared "Mr. Gompers is a public nuisance." It is a necessary inference that the portion of your remarks immediately following constitute the grounds for your judgment. The natural interpretation of your various assertions is that the political policy of the American Federation of Labor is displeasing to you, and inevitably raises the question whether or not you would have stigmatized the president of the American Federation of Labor as a public nuisance if he had publicly endorsed the Members of the United States Senate, including yourself, had you voted in favor of excluding associations of wage earners from the application of antitrust legislation.

And I am again constrained to wonder if you would have stigmatized me as a public nuisance had you found me plant and usable in furthering your political aspirations or if you thought my personal influence or the influence of my office could be secured by offer of reward, whether money or office.

From both the tone and the context of your remarks upon the merchant-marine bill it is evident that you are addressing all those who shall vote at the polls in the November election rather than the law-makers who constitute the United States Senate. The insinuations you make are calculated to appeal to the prejudiced, but they are repugnant to honest men who have regard for the good name of a man who for years has contributed the best that is in him to the cause of humanity.

I have never attempted and do not now attempt, as I have not the power, to deliver the vote of any man or group of men. I am intrusted with the affairs of the American labor movement as guided and decided by the rank and file of the workers of America.

If the truth which I state as to the antagonism toward labor and labor's interests and the interests of the people generally is intolerable to you or to any other man, that is not my fault. It is impossible for me to be either tyrannical or arbitrary, for there are no such powers vested in the president of the American Federation of Labor. As an officer in the labor movement, and as a citizen, it is my right and my duty to advise my fellow citizens and fellow workers.

I am thankful that I was not indicted either with the "Indianapolis dynamiters" or with any others. I imagine that you ought to be thankful that you were not indicted with bank defaulters, trust speculators, and other buccaneers in the industrial and commercial field; simply because you believed in their innocence is no good grounds for your indictment, no more than for mine when the "Indianapolis dynamiters" declared their innocence and I believed them to be innocent.

It comes with bad grace from you, Senator SHERMAN, to make so unwarrantable an attack upon one who at least can hold up his head equally with you before his fellow citizens in any assembly or before the bar of public opinion of America. You have endeavored to call me before your partisan political tribunal—

Mr. GALLINGER. Mr. President, I rise to a question of order. If that language had been uttered by a Senator on this floor, he would have been called to order under the rule, and I submit it is in bad taste to bring a letter from an outside party into the Senate and read it when it criticizes Members of the Senate. I think it ought not to be done.

Mr. REED. Mr. President, I claim it is not a criticism. I call the Senator's attention to the language. I do not think he heard it aright.

Mr. GALLINGER. If the Senator on his own responsibility had said it was fortunate that the Senator from Illinois had not been indicted because of his relations to bank robbers and all that sort of thing, the Senator would have been called to order.

Mr. REED. That is not what the letter said. The Senator did not hear it aright.

Mr. GALLINGER. That is the way I heard it.

The VICE PRESIDENT. It does not say that.

Mr. GALLINGER. I should like to have it read again and see if it does not say that.

Mr. REED. The Senator will notice the language. I am reading it again for the benefit of the Senator:

I am thankful that I was not indicted either with the "Indianapolis dynamiters" or with any others. I imagine that you ought to be thankful that you were not indicted with bank defaulters, trust speculators, and other buccaners in the industrial and commercial field; simply because you believed in their innocence is no good grounds for your indictment, no more than for mine when the "Indianapolis dynamiters" declared their innocence, and I believed them to be innocent.

Mr. GALLINGER. If the Senate is of opinion that a man outside of this Chamber can write a scurrilous letter to a Member of this body and have it read in this body criticizing a Member of the body, then I have nothing further to say. I know the time has been in this body when it would not have been allowed, and it ought not to be allowed now.

Mr. REED. Mr. President, I think I know the courtesies and decencies of debate.

The VICE PRESIDENT. The Senator from Missouri will allow the Chair just one moment.

Mr. GALLINGER. Mr. Gompers has the public press at his disposal and he has the street corners if he wishes to occupy them, but he has not any right to come into this body and have a Senator repeat any such scurrilous talk as is in that letter.

Mr. REED. Mr. President, this is what I understand this language to be and nothing except this: He says, in effect, to the Senator from Illinois, "You charge that I ought to be thankful I was not indicted with the dynamiters, whom I believe to be innocent. I might reply to you and say with equal justice you are fortunate in not being indicted with bank defaulters whom you believe to be innocent." In other words, he simply analyzes the argument and shows the absurdity. It is not an attack upon the Senator from Illinois. If I so understood it I would not read it. I do not put the construction on it the Senator does. I think I know the decencies of debate and the rules of this forum. I have frequently received, as we have all received, letters reflecting upon some other Senator. I have not read them. This, I take, is merely in effect saying, "You are unjust when you charge me with being a party to a conspiracy simply because I believed the men to be innocent, just as I would be unjust to charge you with being a bank defaulter because you may have believed in the innocence of those men."

Mr. GALLINGER. Those men were tried in a court of the country and condemned and sentenced. Yet Mr. Gompers has the effrontery to say that he believes them innocent.

Mr. REED. He said he believed they were innocent at the time he took this action. I believe, notwithstanding the conviction, some of those men were innocent of any wrongful or criminal intent, and I say that after a considerable examination of the record.

Mr. SHERMAN. Mr. President—

Mr. REED. But I do believe that the McNamara brothers, and perhaps some others, were guilty, and that the men who were guilty deserved the sternest punishment the law could have administered.

Mr. SHERMAN. Will the Senator yield?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. REED. I do.

Mr. SHERMAN. Partly answering the Senator, I ask him if he believes any of the defendants in the case named were guilty—any two or more?

Mr. REED. There may have been some of them. The evidence was pretty convincing against them.

Mr. SHERMAN. You said you believed some of them were guilty?

Mr. REED. Yes.

Mr. SHERMAN. You have not said in reply to the question propounded whether you believed any two or more of them were guilty.

Mr. REED. I say that I thought from my examination of the evidence it was pretty conclusive against some of those men.

Mr. SHERMAN. I assume, then, the Senator thinks some of them were properly convicted?

Mr. REED. I think that is probably true.

I continue reading this letter:

You have endeavored to call me before your partisan political tribunal and to convict me of divers crimes, even without trial. You then advocate pitiless publicity and challenge me to answer you "like a man." I accept your challenge, and will meet you in any public forum that you may designate, whether in Washington or in the metropolis of the State you represent, in order that the people "may be given a chance" to judge as to the justice of your attack and as to the wisdom of the political policy of the American Federation of Labor.

Yours, etc.,

SAMUEL GOMPERS,
President American Federation of Labor.

Now, Mr. President, I have said this much because I think in justice it should have been said. I appreciate as much as

any man the propriety that ought to be always observed upon this floor, and I say again that I do not find in this letter which I read anything which transgresses the rules or the spirit of the rules of the United States Senate.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. GALLINGER. I object to that for the present.

Mr. SMITH of Georgia. By request of the Senator from North Carolina [Mr. SIMMONS], chairman of the Finance Committee, who is at this time engaged out of the Chamber, I move that the Senate proceed to the consideration of House bill 16763, to increase the revenue, and for other purposes. He only wishes to make it the unfinished business, and not to have it considered this afternoon.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SHERMAN. Mr. President, I should like to be heard on the revenue bill for a short time, for the occasion that calls forth the letter read from the distinguished gentleman was very largely an appropriation item in the sundry civil bill some time ago, and some remarks which I considered were a part of my public duty in this body, in order that I might upon the issue raised invoke the verdict of the law-abiding people of this Republic. I am content that the issue be raised in the Senate and that it end at the polls.

Mr. GALLINGER. Mr. President, will the Senator yield one moment?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. I took exception to the language that was used in the letter which was read, saying that if the Senator had used it on his own responsibility he would have been called to order and not have been permitted to proceed. Now, I have a copy of that letter in my hand.

Mr. SHERMAN. It is the original.

Mr. GALLINGER. It is the original, and here is what this outside man says about a Senator:

Your willful, malicious, false, and unwarrantable accusations and insinuations.

Mr. President, if that had been uttered by a Senator here he would have been called to order.

The VICE PRESIDENT. That is just the difficulty as to a ruling on the part of the Chair. The Chair does not care to rule upon this question, and submits it to the Senate. It was not language used by the Senator from Missouri.

Mr. GALLINGER. No; and it is much less excusable on that account.

The VICE PRESIDENT. The rule has nothing to do except with language with which one Senator shall impute evil motives to the conduct of another Senator. The Senator from Missouri, as I understand it, is not adopting the language of the letter; I did not understand him to do anything of that kind; and whether it shall be printed or not is a matter for the Senate to settle. If the Senator from New Hampshire raises the question as to whether it shall go in or be excluded, the Chair will submit the question to the Senate.

Mr. GALLINGER. I certainly do raise that question. I intended to move that it be stricken from the Record.

The VICE PRESIDENT. That question the Chair leaves to the Senate.

Mr. GALLINGER. I wish simply to say in addition to what I said that a Senator who brings a letter of this kind into the Senate and reads it in his own time becomes responsible for it.

Mr. SHERMAN. Mr. President, I would not raise the question myself, because in a manner, whatever the occasion was that called out the letter, I was responsible for that occasion. What the rules of the Senate may be or what the uniform course or procedure for many years has been in the Senate I am not able to say, because I have been a Member here for a comparatively short time. Whatever the rules of the Senate are I shall not undertake to say, but leave that to be determined by the Senate. But on my own account I wish, Mr. President, to say, so that I may not be misunderstood, that I would not complain about this letter nor anything else put in the CONGRESSIONAL RECORD when I myself have furnished the initial point out of which the documents or letters have grown. If I am willing to give blows, I am equally willing to receive them.

Mr. GALLINGER. Will the Senator yield to me one moment?

Mr. SHERMAN. Certainly.

Mr. GALLINGER. In view of the statement just made by the Senator from Illinois, I will not make the motion I suggested that I would make. If the Senator is quite content with the present situation, I have no right to intervene.

Mr. SHERMAN. I am.

Mr. GALLINGER. And I content myself with entering my protest, as I did.

The VICE PRESIDENT. The Chair was further induced to take no notice of the matter because once before the Senator from Illinois said he would take care of himself, regardless of the rule.

Mr. SHERMAN. If the Senator from New Hampshire wishes or did wish to protect the dignity of the Senate or the uniform course of procedure, I would yield without question; but so far as any protection of the rules might be given the Senator from Illinois, I do not ask that they be invoked.

If Mr. Gompers is able to be elected a Senator in any State of the Union and can come upon the floor, I will meet him on the controversy growing out of the issues named. I am perfectly willing to do so, where the controversy may be discussed upon an equality; but if the laws of dueling, however pernicious they may have been at one time, and which I abhor, were still in force, I would say to Mr. Gompers that I do not fight with anybody except those of my own class.

I would decline, so far as Mr. Gompers is concerned, to engage with him in public debate on a platform politically, socially, ethically, or economically, because we would not meet upon a common footing.

I made whatever remarks I made, Mr. President, in the Senate in discharge of what I considered my official duty. It is true it was a digression from the matter immediately connected with the shipping bill, but certain things had occurred and certain arguments had been used which I thought made it proper for me to raise the question at that time. So I will consider it as properly before the Senate.

I do not think that Mr. Gompers in this letter states his case. Like every other evasive, uncertain, and somewhat vacillating antagonist, he retires behind the shelter of innocent men. He says such criticism as might have been directed against him was a criticism of the American Federation of Labor. He insists that it was a criticism upon the unionized labor of this country. It was not. No one knows it better than Mr. Gompers. He habitually runs to cover that way.

I know something, Mr. President, of the organized labor of this country. I have dealt with them in smaller areas than the jurisdiction of this Senate. I have never been classified as unfair in response to their legitimate demands, either in legislation or in administration. It was reserved for Mr. Gompers to go about over this country seeking politically to destroy all whom he could not own. That is our offense; that is my offense; that is the offense of some of you gentlemen on the other side of the aisle.

In April, 1913, before I had scarcely removed the dust from the vacant seat I then occupied, I was called on to vote in the sundry civil bill on the question of excluding farmers' organizations, horticultural societies, and labor unions from prosecution under a \$300,000 item in that appropriation bill designed to prosecute violations of the Sherman antitrust law. I voted to treat union labor and the members of union labor as I vote to treat you, gentleman, in your private capacity. Not a solitary farmer, Mr. President, in all this country complained to me that he felt discriminated against because of our vote on that question; not a solitary horticulturist in all the country made complaint.

I know as much of the farmers' sentiment in this country, I think, as does the average Senator. I was a farmer until I was 23 years of age. All of my relatives, both in Ohio, Illinois, and Indiana, are yet farmers and stock raisers. I think I have produced more useful material for the food, clothing, and shelter of the human family in my time with the work of my hands than Mr. Gompers ever produced in all his life from the time when he was an alien or since he has become a naturalized citizen. I assume he has become a citizen. I never saw the court records to indicate it; but I will take it that he became naturalized before he undertook to run the American Government.

After the vote to which I have referred was taken Mr. Gompers assailed us—and if I mistake not the senior Senator from New Hampshire [Mr. GALLINGER] voted as I voted on that question—

Mr. GALLINGER. I certainly did.

Mr. SHERMAN. And others voted that way. It was not a political question. I think some of my Democratic brethren in the Senate voted that way, because they believed that way. Immediately from that issue Mr. Gompers sallied forth into this country breathing fire and slaughter. The Senator from New Hampshire has spoken of the activities of Mr. Gompers in his State and in other States. I know something of his activities. More than a hundred thousand lithograph telegrams

were sent out—not at the November election but at the Republican primaries—in Illinois bearing Mr. Gompers's signature, blacklisting the Senator from Illinois, who in the following March would have served 23 months, when the term would have expired, and who was a candidate for reelection. I was blacklisted as unfair to organized labor because of my vote upon the item mentioned.

I knew well enough what would happen when I voted that way. Mr. Gompers was in Washington, if not in the Senate gallery; divers gentlemen representing him are here nearly all the time. We all know it.

The easy way would be to float with the stream of popular affairs in such legislation. We know that to do otherwise breeds trouble. Because of that, Mr. President, Mr. Gompers saw fit to blacklist and to mark for slaughter every Senator who was up for election in 1914 who had voted contrary to his orders. For myself, Mr. President, I say to Mr. Gompers that I shall continue to vote to represent the American people in this Chamber; I shall continue to vote to represent my own constituents secondarily, upon whom I must call for reelection when terms expire. I am an American. I can earn my living to-day with my hands better and more usefully than Mr. Gompers can or ever did. He is a parasite upon the body of organized labor, a creeping poison ivy upon the whole structure of the industrial world.

Mr. President and gentlemen of the Senate, I draw the distinction between legitimate organized labor and those who prostitute their righteous cause.

I have dealt with John Mitchell, with Duncan Macdonald—one of them being at one time president and the other then and still, I believe, the secretary of the Mine Workers' Union of America. We have in my own State 100,000 soft-coal miners, all of whom are unionized. After my vote in this body in April, 1913, Mr. Gompers took the course I have indicated. All the union labor outside of the city of Chicago in the great soft-coal fields in my own State were reached by his communications.

Still he is not in politics. He was interfering in a Republican primary. Unfortunately, Mr. President, he claims to be a Democrat. I do not apprehend that some of you on the other side regard him as any particular accession to your ranks, because he would as soon turn upon you and assault you when you refuse to become his punch-button messenger boy, as he did upon us who refused to do his bidding here three years ago.

He sought, therefore, to control Republican primaries in the first instance. After the nominations were settled we had a fight in the State, a three-cornered fight, Mr. President, because the triangle in politics had not then disappeared in the course of political affairs. So there were at that time three candidates. Mr. Gompers took occasion to support, I think, the Bull Moose candidate in Illinois. I do not know what he did in other States, because he is a political chameleon.

He tells of his devotion to the cause of labor. It is not; it is his devotion to the Gompers family. Samuel J. Gompers, his son, is on the Government pay roll in a \$2,500 position under this administration; and if this administration should be unhorsed, Mr. President, he is just as apt, chameleon like, to change his politics and claim office under any other party. With him it is a question largely of anything to stay on the pay roll under any kind of an administration. He is a most liberal gentleman in his tastes when it comes to office holding and to getting money, I repeat, out of the sweat of somebody's else face, whether it be an iron molder in the foundry, whether a brakeman on the trains, whether a woodworker or a leather worker or a worker in the metal trade. He is just as anxious to get the wherewithal as anybody in this whole country. So he is devoted to the cause of Gompers, and not the cause of union labor.

I met this gentleman, as others of us did. He was impartial in his blows. I do not know certainly whether or not he hit the Democrats quite as hard as he hit me, but that is a matter of no concern, because I always like a good fight; nobody complains about that, and it is something of that spirit that makes me offer no objection to incorporating Mr. Gompers's letter in the CONGRESSIONAL RECORD, where it may be preserved for posterity, along with certain other letters which I shall put into the RECORD before I conclude, written likewise by Mr. Gompers.

In the many years that I served in a smaller legislative body, Mr. President, some of the most acute labor questions came to the capitol where I was serving that ever engaged the attention of this country. Chicago, as all know, is in a formative state; matters are not settled, and so the continual struggle between the employer and the employee kept us on the grill a large part of the time. You will not find in the Mississippi Valley, unless based on political reasons, a solitary representative of the union laborers in Chicago or elsewhere, Mr. President, that ever clas-

sified me as unfair in dealing with the actual legislation that concerned their craft.

Long before the word "progressive" was ever used, before the phrase "social justice" was invented as a political slogan, we legislated upon questions concerned in those issues. Child-labor laws were enacted many years ago; factory-inspection acts were passed; a revision of the coal mining laws was carried into effect; the union label was protected, so that it could not be used by an unauthorized agent or body; and, without enumerating them all, more than 26 progressive laws dealing with the right of labor to be fairly treated were acted upon and passed into the statutes of the State having within its limits the second largest city on the Western Hemisphere, involving as difficult problems in the labor world as there are in the Republic.

Not a word of complaint was ever heard until Mr. Gompers took it upon his shoulders to destroy Senators in this body who would not take orders from him. I declined to do so. I did not take them then; I will not do so now; and I shall not do so hereafter.

Mr. Gompers says in his letter that organized labor was attacked when I criticized him. Is he "organized labor"? He is the president of the American Federation of Labor, it is true, but count up all who work with their hands, skilled or unskilled, in this country, and put them alongside of the few in that organization that Mr. Gompers can influence, and the latter are an infinitesimal part of the whole body.

It is true the great Federation of Labor is a much larger and more imposing and dignified body than Mr. Gompers, and when I criticized Mr. Gompers I did not criticize him because he was the executive of the American Federation of Labor; I criticized him because he prostituted the temporary power he had for ends illegitimate and foreign to his duty.

The intelligent laboring men of this country can discriminate between criticism of Mr. Gompers and criticism of the union. Mr. Gompers, true to his nature, every time he has ever been attacked, immediately runs to cover behind the shield of the organization that he claims to represent. Mr. Gompers is a bluffer.

Mr. REED. Mr. President—

The PRESIDING OFFICER (Mr. BRYAN in the chair). Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes, sir.

Mr. REED. If the Senator thinks he is a bluffer, why does he not accept his challenge to meet him in debate, and not impose the impossible?

Mr. SHERMAN. Because I have better things to do than to spend my time on a platform with a man that I regard as both a bluffer and a political coward. I decline to regard him as a fit antagonist in honorable discussion. Let him run for office the way we do. Let him go before all the people, and not before the chosen few surrounding him. Let him run for office and come into the Senate and meet on an equality. I fight with my own kind, but I resolutely refuse to engage in a scuffling match with one whose ideals of controversy are similar to the defensive methods of an American skunk.

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator yield further?

Mr. SHERMAN. Yes.

Mr. REED. The language the Senator has just employed, I notice, does not at all offend the sensibilities of the defender of the rules of the Senate, the distinguished Senator from New Hampshire.

Mr. GALLINGER. Mr. President—

Mr. REED. But if the Senator regards Mr. Gompers as a bluffer and a coward—

Mr. SHERMAN. I am entirely impartial. The Senators can both talk if they do not take me off the floor.

Mr. REED (continuing). Why does not the Senator meet him? If he is too small a creature for the Senator to meet in debate after he has challenged him to do so—that is, the Senator challenged Mr. Gompers in his words which I read—why is he not too small for the Senator to attack here?

Mr. GALLINGER. Mr. President, if the Senator from Illinois will permit me, as the Senator from Missouri has alluded to me personally, I will say that if the Senator from Missouri stands in the person of Mr. Gompers, I will then invoke the rule. If he does not, I have nothing to do with Mr. Gompers except to regard him in pretty much the same light that the Senator from Illinois does.

Mr. REED. I stand in no person except my own proper person. I simply call attention to the language, not because it

was an attack on Mr. Gompers, but because it was, in my opinion, an attack upon the decencies of debate.

Mr. GALLINGER. Well, Mr. President, the Senator from Illinois will take care of himself, no doubt, on that point. I will risk him.

Mr. SHERMAN. Mr. President, when I was younger, and had less experience and possibly less sense, I spent some of my time on the platform endeavoring to settle a question with a man of Mr. Gompers's type. I have found out that it is love's labor lost. Not only that, but it is casting pearls before swine. "Should a * * * man * * * reason with unprofitable talk?" querieth the man in Holy Writ, "or with speeches wherewith he can do no good?"

If I did not think I was doing the cause of law-abiding, decent American citizens some service, without regard to whether they are Democrats or Republicans, I would not take my time here this afternoon.

The Senator from Missouri asks why I decline to meet Mr. Gompers and still regard him of enough importance to take time here in the Senate on him. Mr. Gompers assumes to coerce and intimidate Senators who do not obey his orders. He assumes to set up a government above and beyond the law of the land. Any man who does this, and attempts to pervert and abuse the confidence of those who trust, to serve sinister ends is a proper subject for reference in this body. It becomes a duty of a Senator to criticize him.

I would not convince Mr. Gompers by a public debate. I would give him an importance I do not owe him. I would not convince a single one of his followers, who are deluded by his professions of being the great servitor of the laboring men of this country who came to hear either of us.

I repeat, if Mr. Gompers wants to run for the Senate and go through the same experience that every other Senator must, either to obtain or to hold a seat in this body, there is no prohibition upon his so becoming a candidate. We can then meet upon equal terms. I invite him to settle in my own State—it only takes a year's residence—and there enter the primaries of any party he pleases, become a candidate, submit his claims to the polls, and see what the voters of that or any other State of the Union think of him as a candidate for public office.

I am holding a public office, as you Senators are. I obtained it legitimately. No one ever complained about either the methods of the nomination or the methods of the election, because my present title comes in a direct primary and a direct election of the people, as some of you Senators now holding your seats likewise hold your title. So Mr. Gompers has an open field to be heard to try out his ideas of government, or of criticism of those who decline to administer government or to legislate as he demands.

I have this to say, Mr. President: I have never had any trouble with a representative of organized labor except Mr. Gompers. I have dealt with the ones named and with many more. You will not find another one who ever raised his voice to place me upon a blacklist, political or otherwise.

I believe in the cause of organized labor, and my conduct has shown the sincerity of that belief. I would extend labor to go beyond that even of the human hand, because without mingling it with intelligent thought it is nothing but unskilled labor and the crudest of human effort. So I would extend labor to include much more than Mr. Gompers's definition.

We Senators are laborers. We have no eight-hour day here at any time, whether we are approaching the end of the session or otherwise. A laborer is anyone who does anything useful in the great field of human effort, that ministers to the convenience, the comfort, the æsthetic taste or the wants in sickness or health of the human family. Anything that produces food, clothing, or shelter, or renders the human habitation or the head of his family and his family more capable of discharging his duty, making life more tolerable, embellishing, adorning, or dignifying life, can be included under the term of labor.

Three thousand years have elapsed since marbles preserved to this day rang with the sculptor's chisel. They are works of art; and the sublime genius that preserved them to our day was as much a laborer in the great vineyard of human affairs as the man who holds the plowhandle or pours the molten iron into the mold in the foundry. The canvas of Titian or of Rembrandt was as much the result of human labor as the work of the man who holds the throttle in the locomotive. Titian died at 99 years of age, of the plague. It shows how good it is for a man to work at something as long as he can stand on his feet.

So we would include all of these things, but Mr. Gompers excludes them all. Nobody is a laborer, according to him, unless he works with his hands. The more you mix your mind with it,

according to Mr. Gompers's definition, the less of a laborer you become.

I protest against the entire philosophy and doctrine of Mr. Gompers. I protest against the infamous doctrine he undertakes to execute in this country in practice, that no man is to be entitled to liberty of action without the covert threat of destruction that he makes every time he sits in the gallery and notes what a roll call discloses. For one, I have grown weary of that dictation. I shall do justice to organized labor in spite of Mr. Gompers, and not because of Mr. Gompers.

I wish to add another paragraph to these general observations. It is my duty. Organized labor in this country will forward its just purposes the more, Mr. President, when it divorces itself from such men as Mr. Gompers.

Mr. Gompers in his letter sees fit to allude to "bankers prosecuted for embezzlement, defalcations, and the like, and other buccaneers of the industrial world," as I remember the phrase, and wishes to know if I consider myself as under suspicion because I sympathized with men who said they were innocent, or because I believed they were innocent.

I never conducted a criminal practice, Mr. President, and for that reason I could do Mr. Gompers no good if I returned to the practice of my profession. I confined myself to civil business, and only upon two or three occasions in my entire lifetime of more than 30 years of miscellaneous practice did I ever defend a man charged with crime. I never in my life defended a banker charged with crime. I never defended a director or a bank officer of any kind charged with crime. I have sued them all with cheerful impartiality in the civil courts, but I never prosecuted or defended any in my life, except that upon one occasion I prosecuted a private banker under the embezzlement laws of our State.

That is the limit of my experience with bankers. I have not for more than 20 years owned shares of stock in any national bank. At one time I owned stock in the old Bankers' National in Chicago. I sold it many, many years ago, before I held any public office of any kind. I have no bank stock now. I have not been in a courtroom for five years this fall, and I have defended no bankers. I never in my life expressed my opinion of the guilt or innocence of any bankers placed upon trial. Neither have I submitted my opinions on the guilt or innocence of defendants to avoid or defeat the ends of justice. I have not undertaken to anticipate the ordinary processes and the trials of a court of justice by declaring that bankers are innocent, rushing into print, and endeavoring to forestall the verdict of a jury or the sentence of a court. I have been content to leave the administration of justice to the ordinary tribunals charged with that responsibility. I have not collected money and defended criminals who pleaded guilty.

It is worth more in this country that the American citizen should let the administration of justice proceed fairly and serenely upon its great mission in popular government than any other duty I can mention, Mr. President.

Let me say to Mr. Gompers, let me say even to those who may sympathize with him, but particularly to those who do not—and I know there are some in the ranks of unionized labor who do not—let me say something that is universal in its application, that is national in its scope, and that is vital in its necessary effects upon the American people:

The mere fact that a man is a member of a labor union gives him no superior rights under the laws of our country. Members of organized labor who break the criminal laws of the land are as much amenable to punishment, and are as justly prosecuted, as anybody else in this country. If a question were evenly balanced in civil or criminal controversy, with union labor on one side awaiting a judgment or a verdict, I would give the laboring men of this country always the benefit of the doubt, either in litigation, prosecution, or legislation. I have had and now have that tender regard for the man who sometimes is not able to present fully his side of the case.

The bane of public life to-day is that there is a double standard of criminality. It is claimed by Mr. Gompers and his school of thought that a given act committed by a union man in the cause of union labor is innocent, while if you or I or two or more of us commit the same act we are guilty of a felony.

I do not subscribe to this doctrine. I believe every union man in the country is as much under the obligation of obeying the laws of this country as I am myself.

If there is to be raised in this country an issue that no crime can be committed by unionized labor, according to Mr. Gompers's belief, then this country is not worth paying taxes for, and is not worth fighting for in war, or behaving yourself in time of peace. If this can not be a government of law, if it must become a government of classes with some punished and others exempted, it ceases to be popular government. It ceases to

command my respect. It ceases to command even my allegiance, because this is either the government of all the American people or it is not worthy of the name. It is not a government of labor unions, by the labor unions, over everybody else, exempting them; but it is a government of all of us together.

The sooner we get back to that healthy, sane doctrine of American life, the sooner some of the malignant growths that have fastened themselves upon the body politic will be removed without the surgery of war.

I sound my belief here now—I make the statement advisedly—that the great American issue is not keeping out of war with the Old World, but it is keeping out of civil and internecine strife caused by arraying one class against another and proclaiming the infamous doctrine that the Government is made for some but not for others.

Happily the laboring man, union or nonunion, recognizes this basic truth.

Along with it let them understand equally that when they make an agreement that agreement must be kept. I remember some years ago in some matters connected with the soft-coal miners John Mitchell, who lived in Illinois at that time, was the chief officer of the mine workers' union. The mine workers' union made a schedule, agreed upon it with the coal operators. After a time, when the pinch came, certain of the mine workers' organizations voted to break the agreement. I have always had—whatever other errors he may have committed, this is not one—a very great respect for John Mitchell. I have read his book on labor questions, and it has in it much of value to the thoughtful reader. I have seen him many times under other conditions; but in these circumstances he acted the part of the liberal, strong man. He said to the union to return to their work, to understand that an agreement made by organized labor with their employers was as sacred as the agreement that bound the operator, and threatened them with the loss of their charters if they did not return to work within a given time. That ended that controversy.

Agreements must be kept. There is hardly a week goes past, Mr. President, that at some place the same question does not arise. First, we must abide by the law of the land; next, when agreements are made relating to wage schedules, the conditions of service, and of hours, those agreements for the term covered must be sedulously kept by the ones who sign that agreement.

With these matters, Mr. President, there ought not to be any question. There ought to be no legitimate controversy about them. Simply because certain Senators here thought that a labor union and a farmers' organization ought not to be prosecuted because they violated the antitrust law induced Mr. Gompers to seek to destroy everyone who did not take his orders on that subject. No farmers have blacklisted those who refused to obey Mr. Gompers.

That is where this immediate controversy began. It existed before the occasion referred to. It is an ancient dispute. It will never be settled, Mr. President, until it is settled right. It will be that there are no favored ones before the law. You may postpone the day, you may hesitate, you may evade, you may legislate, you may create acts of Congress, but ultimately it all returns to the same thing. You can not lawfully create classes. You can not punish some and exempt others, until at last there grows up a series of acts which are noncriminal when committed by some and criminal when committed by you and me, Mr. President. That can not endure in this country any more than the country could endure half slave and half free more than half a century ago.

The vital question in this country is that of lawlessness of the kind Mr. Gompers minimizes or condones, and on that I know no favorites. I know nothing except that when it comes to destroying property, to assaulting and beating peaceable citizens engaged in their legitimate occupations, and pursuing them in a lawful manner, to willful, cold-blooded, cruel murder, I know but one rule, and that is to prosecute and punish, to imprison, and to convict and execute those who break the law of the particular jurisdiction where the act is committed.

Let me say this to everybody, those who work with hands or minds, those in a union or out of a union, let me say to the American people that this is one of the supreme issues, not of this campaign, because it is nonpolitical, but the paramount issue for the American people to settle if our rights shall be preserved as they came to us from our ancestors of old. On that I have no politics. I would as soon vote for a Democrat on that question as anybody else. I have fixed beliefs on that subject, but I have no politics. I shall act in accordance with my understanding of the law of the country and the proper way in which civil society can be preserved.

Why, only a few weeks ago, Mr. President, in the city of Chicago a number of men were convicted of smashing plate glass all over the city. It was an organized conspiracy of the glaziers and joiners and certain branches of the metal workers' trade. What were they doing it for? For a double purpose. One was, the evidence showed pretty conclusively, they were hired by the venders and distributors. The other was that certain of the jobs were done by nonunion labor. They are now in jail for one year. They were convicted. The judge was threatened who tried the case; witnesses were threatened; a dynamite shell was set off by the house of an important witness to frighten him into silence or flight.

Have I heard Mr. Gompers raise his voice denouncing any of those gentlemen? Not once. Have I heard Mr. Gompers's voice at any time denouncing any of the numerous acts of violence that occurred by these men? Not once. Have I heard his voice at any time before the McNamaras were convicted? I have heard this. I beg to read this, dated July 27, 1911, because some letters have been placed in the RECORD, and I will be very glad now to complete that record and place one of Mr. Gompers's letters in the RECORD:

From Los Angeles last October came the news that a terrible catastrophe had occurred in that city; that the Los Angeles Times Building has been destroyed, with the loss of a number of lives. The first word spoken, even before the flames had completed their destruction, by the emissaries of the Times contained positive declarations that organized labor was responsible for the disaster. Qualifying statements were conspicuous by their absence. Wide publicity was given; warped and unsupported allegations against the organized workmen of the entire country were featured. Vast sums of money were dangled in the faces of unscrupulous men to fasten the crime upon some member or members of the trades unions. The National Manufacturers' Association, backed by the Erectors' Association, citizens' alliances, detective agencies, and a hostile press brought their every influence to bear and appropriated every available circumstance to bulwark and fix in the public mind a mental attitude that the charges against organized labor had been proven beyond the peradventure of a doubt.

This is Mr. Gompers's letter:

The authors of the charge, after months of intrigue and searching investigations, utterly failed to substantiate the flamboyant and positive accusations that had been made. The public mind was slowly emerging from the hypnotic spell in which it had been developed, and mutterings of suspicion began to be heard against the originators of the indictments against labor men. The position of the hostile employers' association became exceedingly desperate. The Times management, with its years of relentless warfare against humanity, fearing that its Belshazzar feast of organized labor's blood was about to be denied, redoubled its efforts and demanded that a sacrifice must be furnished that its unholy appetite might be appeased, specifying that some union workman or workmen must be supplied to assuage its unnatural and abnormal hunger.

The record of events is too well known to make it necessary to recount them in detail. That "the end justifies the means" became the slogan in patent. With all the forces of greed compactly joined there began a campaign of vandalism the like of which has never before found lodgment on the pages of our American Republic's history. A prominent member of union labor was selected, J. J. McNamara, and one at whom—

Now bear this certificate of moral character from Mr. Gompers in mind, my fellow Senators—

and one at whom the finger of suspicion had never before pointed, whose life had been characterized by an uprightness of purpose and loyalty to the cause of labor, and whose activities in every walk had drawn to him the commendation of his fellows. To give the stage the proper setting and to involve other trades than the ironworkers, J. B. McNamara, the brother, was selected for the sacrifice.

With intrigue, falsehood, and an utter disregard for all forms of law, applying individual force, conniving with faithless officials, the two McNamaras were rushed in feverish haste to the scene of the alleged crime. The rights of these two men have been trampled upon willfully, flagrantly, and wantonly.

Every man, even the meanest, under the constitutional guaranties of our country is entitled to a trial by a jury of his peers, and every man is presumed to be innocent until proven guilty. Thus far the proceedings have been outside the pale of those guaranties. The charge has been lodged against organized labor, and two of its members are now before the bar to answer these charges. What is the duty of the organized-labor movement? What shall be our course? What effort shall we put forth to see to it that justice shall finally obtain?

The intellect, heart, and soul of the men of labor yield to no body or class of citizens in their fidelity in obedience to the law, and their history is replete with instances of sacrifice that humanity may be protected. If within the ranks of labor there are those who permit infractions of the law, then they should be punished, but there should not be instituted a double standard of justice—one for the wealthy malefactor and another for the workman.

The organized-labor movement believes that the McNamaras are innocent. Upon that belief there devolves upon us another duty. The accused men are workmen, without means of their own to provide a proper defense. The assault is made against organized labor equally with the McNamaras.

That is what this letter says. My criticism of Gompers he says is a criticism of the American Federation of Labor. You will notice the perverse ingenuity of the man in immediately dodging the necessary consequences of his own act and insisting that it is the cause of organized labor that is assaulted every time a criminal is prosecuted, every time a murderer is brought to book.

What would you think if every time a banker was indicted for a violation of the banking act the Pennsylvania State Bankers' Association would convene itself or, through its president and secretary, would call upon all the bankers of

Pennsylvania to raise funds to defend an embezzler? What would be thought if a lawyer committed embezzlement or a murder and the American Bar Association, the bar association of his own State, should convene and pass resolutions declaring their belief in the defendant's innocence, denouncing the complaining witnesses, asking for a subscription to be made by members of the American bar or by the American bankers of the State or country to raise funds to defend a banker or lawyer who was charged with crime?

What would be thought if, in the resolution, it went further and said all the lawyers of the country are attacked, the bar is assailed, the bankers are assailed, when one of their members or more are charged with a violation of the criminal code?

There is as much reason in the one case as in the other. I shall not let my sympathies, sympathies that rise naturally in every mind and every heart for the man who works with his hands and who possesses but little means to defend himself, overbalance the sense of justice without which the country and civil society can not endure. I continue:

If we are true to the obligations we have assumed, if it is hoped to forever settle this system of malicious prosecution of the men of labor, our duty is plain.

Funds must be provided to insure a fair and impartial trial. Eminent counsel has been engaged. Arrangements are proceeding that a proper defense may be made. The great need of the hour is money with which to meet the heavy drain incident to the collection of evidence and other necessary expense.

Every man who was connected with the kidnapping of the McNamaras will be prosecuted to the full limit of the law. It is proposed that the interests of organized labor shall be fully protected and punishment meted out to detective agencies that assume to be superior to the law. The rights of the men of labor must, shall be, preserved.

The men of labor, unlike the hostile organizations arrayed against us, have not vast sums of wealth to call upon, but they are imbued with the spirit of justice and are ever ready to make sacrifice for principle.

The trial of the McNamaras is set to commence on October 11. In the name of justice and humanity all members of our organizations are urgently requested to contribute as liberally as their ability will permit. All contributions toward the legal defense of the McNamara cases and for the prosecution of the kidnapers should be transmitted as soon as collected to Frank Morrison, 801-809 G Street NW., Washington, D. C.—

The letter which was read by the Senator from Missouri is on the same letterhead, 801-809 G Street NW., Washington, D. C.—

who will forward a receipt for every contribution received by him, and after the trial a printed copy of the contributions received, together with the expense incurred, will be mailed to each contributor.

Fraternally,

SAMUEL GOMPERS,
President American Federation of Labor.

Attest.

FRANK MORRISON,
Secretary.

In pursuance of this circular, believing its representations, organized labor largely connected with the national structural iron workers possibly more than the affiliated federation, contributed \$190,000. That was raised and put in the hands of a Chicago lawyer with instructions to defend the McNamaras whom this letter says represented the cause of organized labor in the courts of California.

I denounce that groundless assertion as the basest libel against the laboring men of this country. The McNamaras did not, and heaven save the mark, could not represent organized labor.

I know men, with whom I have been associated with since earliest boyhood, are in organized labor of every nationality, of every creed, from all over Europe they or their ancestors came. They are in every occupation. Looking out of the cab of a locomotive which runs out of Chicago there are many whom I knew in their early days. I fished with some of them along the branches of the Wabash River. I have lived with them all—Protestant and Catholic, Gentile and Jew. I know them in their affiliations, trades, and occupations wherever found. I denounce again as the basest libel upon these men and the law-abiding workmen of America that the McNamaras represented them in their bloody deeds.

Divorce yourselves now and for all time from the men who prostitute your cause; who would pour into your ears the doctrine that you can rise superior to the laws of civil society; that you can survive by lawlessness and crime; that a reign of terror may be instituted, and that you can live through it all and emerge victors in deeds of violence to vindicate your rights. Turn no willing ear to such talk. Who suggests it is your enemy, not your friend. It has been tried before your generation and mine; it has been tried from ancient days. It has been tried in the earliest dawn of history when Herodotus wrote, when Josephus recited the history of the Hebrews and the Antiquities of the Jews.

You can not escape the solemn experience of mankind; you can not do violence to the immutable principles on which governments rest and the peace of society depends by following

such men as Gompers, who defends the McNamaras, who has never yet apologized, except in this letter—a weak and inefficient apology, as it is, too—who has never apologized other than by writing such a letter and committing, or seeking to commit, the righteous cause of union labor in this Republic to the guidance of such men, and stamping it with the bloody brand of murder and violence throughout our country.

May a beneficent Providence forgive such men; but you, my union-labor friends, whether I know you or not, listen to my voice this afternoon. I will end as I began. I said that in April, 1913, that I might serve out the 23 months, that they would soon circle away into eternity, but I preferred never to hold public office here or elsewhere if I must do so by the surrender of what I think is of more importance than political parties or public office—the right to pursue uninfluenced a course of conduct dictated by conscience and make laws for all and not for a few.

I am talking now not to the Senators. I am talking to the organized labor of the country. Obey the law; ask for legislation; be fair in your dealings; give to others the same liberty of thought you claim for yourselves; avoid crime and those who would counsel or commit you to crime. There is no preservation for you or for me, other than the preservation of peace and total abstention from violence.

One hundred and ninety thousand dollars were sent to California. That sum was put at the time in the possession of Clarence Darrow, who is what we commonly call a "labor lawyer," a very good lawyer, and a pleasant gentleman. I served with Mr. Darrow in the legislature of Illinois in my early days. Mr. Darrow went out and rendered service, as he had in other cases of a like kind. He encountered some obstacles of his own in that State. He himself, it so fell out, was indicted upon a charge on which he was acquitted; but, at least, there was no further difficulty in the trial of the McNamara brothers, charged with murder, for whom Mr. Gompers, by this circular, raised \$190,000 to defend as he alleges innocent victims of the vicious capitalistic element of this country.

About the time that Mr. Gompers was getting ready to deliver further maledictions upon the capitalists and the capitalistic press of this country, the McNamaras pleaded guilty. They did not plead guilty in order that they might be a vicarious atonement for somebody else, but they pleaded guilty because their bloody trails had been uncovered; all the way from Cincinnati, from Indianapolis, from Portland, Ind., where they got the dynamite, clear to Los Angeles; then to Springfield, Ill., where they blew up an ironworker's job, to the bridge across the Illinois River at East Peoria, to the wrecking of the plant of A. Lucas & Sons, in Peoria, to the wrecking of another piece of work in Chicago—to 40 or 45 deliberate acts of destruction, reaching through several years, the connection and the responsibility of these men were trailed and fixed beyond the peradventure of any doubt. The pleas of guilty were dictated by prudence. If they had been tried by a California jury, if there had been capital punishment in that State, they would have been hanged.

Twenty-one innocent men and women, at 1 o'clock in the morning, in Los Angeles, were, in the twinkling of an eye, sent to eternity for no offense that they had committed, save that they were working in an honest occupation to earn a livelihood. Those are the men whom Mr. Gompers, as I said on the 15th of this month, tried in his self-constituted tribunal, found them not guilty, and denounced their prosecution as a crime against the cause of labor that he represented.

I again say that Mr. Gompers is a menace to the rights of legitimate labor; that Mr. Gompers is in a double sense a public nuisance. He is likewise a public peril. He is a peril to every honest union man in the United States; he is a peril to everyone outside the union who seeks to obey the laws of the land.

This letter is signed, Mr. President, by Samuel Gompers, president of the American Federation of Labor, and by Frank Morrison, secretary. From the headquarters of the International Association of Bridge and Structural Iron Workers, at Cleveland, Ohio, under date of June 8, 1906, a letter was addressed to F. M. Ryan, as follows:

HEADQUARTERS INTERNATIONAL ASSOCIATION
OF BRIDGE AND STRUCTURAL IRON WORKERS,
Cleveland, Ohio, June 8, 1906.

MR. F. M. RYAN,
Ashland House, New York City.

DEAR SIR AND BROTHER: Inclosed you will find an appeal for financial aid received from Local Union No. 10 of Kansas City.

By referring to President Ryan's letter of the 7th instant, you can readily see our present financial standing and future prospects.

I have forwarded Brother Gerrig, the secretary of Local Union No. 28, Richmond, Va., \$100 to assist them in their struggle with the A. B. Co. and Erectors' Association.

Am inclosing you statements from Borden and Elsmore, two members of No. 17. The facts in brief are as follows:

Ex-President Buchanan authorized Brother McClory to do some missionary work in Toledo. McClory thought \$150 would be sufficient and I issued him check for the amount. He secured four men. Among them were Borden and Elsmore. They went to Toledo and returned to Cleveland. Shortly after their return they were arrested for assault. We secured attorney and had jury trial. Jury disagreed, 11 for conviction and 1 for acquittal.

The remainder of this letter I will ask to insert in the RECORD, without reading. I only quote it to identify Mr. McNamara and his official position, not so much for its contents. It is signed by J. J. McNamara, secretary-treasurer—the same position he held at the time he was arrested and indicted. He was then secretary-treasurer of the structural ironworkers' organization.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Without objection, the matter referred to by the Senator from Illinois will be printed in the RECORD.

The remainder of the letter is as follows:

Our attorney stated that he was positive next trial would result in conviction and advised pleading guilty, with hope of securing parole before election, which was coming up. He also stated that if that was not satisfactory he would withdraw and we could get another attorney. He stated that he was positive that he could secure a parole within 10 days, and acting on his advice I assured the two men they would be recompensed for any time spent in jail. Men pleaded guilty and were sentenced to six months in jail. Attorney proceeded to get parole as promised, but about this time the Central Labor Union of Toledo adopted resolutions against two members of the board of public service, which board was composed of three men and had authority to grant paroles.

The question thus became a political issue, and there was nothing doing in the parole line. When the election rolled around in November the two members of the board of public service against whom the Central Labor Union had adopted resolutions were defeated, but their terms did not expire until January 1, 1906, and they absolutely refused to do anything relative to paroling Borden and Elsmore. When new members took office their authority to grant paroles was questioned and the case taken to court. It was not settled until the 1st of February. Borden and Elsmore were paroled after spending about five months in jail.

Elsmore received \$321.30; Borden received \$316.80.

They insisted on receiving more money, which I refused to give them, owing to the fact that we had all sorts of trouble and a very small income to handle it with. They seemed dissatisfied, and I told them to take it up with Ryan or executive board.

It was brought to Ryan's attention when he was at headquarters recently, and he refused to have anything to do with it other than to refer it to the board for an opinion. He stated to them that, in his opinion, when all things were considered, they had been very liberally treated by me.

The attorney fees for two trials amounted to something like \$169. Hoping to hear from you relative to the above propositions by return mail, I am,

Fraternally, yours,

J. J. McNAMARA,
Secretary-Treasurer.

MR. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

MR. SHERMAN. Yes, sir.

MR. REED. I take it that the Senator has considerable to say yet, and I therefore embrace this occasion to advise the Senator that I announced when I took the floor that I was obliged to leave on the evening train. As I only have a few moments, I am compelled to leave, and I know the Senator will not understand that I am going out of any discourtesy to him. I certainly intend none.

MR. SHERMAN. I understand; and if the Senator wishes to leave, I shall make no personal allusion to him; that is not my purpose.

MR. REED. That would be all right; but I wanted the Senator to understand that I was leaving because I was compelled to do so.

MR. SHERMAN. Here are the undisputed matters of evidence showing the vigilance with which Mr. Gompers informs himself as to these people and their conduct, who are afterwards brought under suspicion, finally indicted, and pleaded guilty. This organization is one of the affiliated organizations with the American Federation of Labor. The evidence shows that more than \$1,000 a month was drawn from the treasury of the organization at Indianapolis and paid to the McNamaras. This was their working fund; it was called a "fund for educational purposes." It is like the one in Chicago, where sluggers are paid out of the funds of the union. The law-abiding member knows nothing of this; it has no sanction from him. I am not saying this because I wish to do so; I am saying it because somebody has got to say it, because some union man at some time will have courage enough himself to say it, because many of them at some time will rise in their just indignation and demand that such use of their funds and such perversion of their organization shall cease.

A thousand dollars a month was drawn for several years. It was used to dynamite the places that I have mentioned and others. One of my neighbors in Springfield spent 18 months in the penitentiary for such a crime. He was caught in the net of

this widely spread criminal conspiracy that ended in murder. I never inclined to the belief that he actively engaged in any of the correspondence or deeds which he knew would result in the taking of life or even in the destruction of property. He wrote letters under the command of his superior officer in the organization, addressed to certain delegates, "to go unionize a job." That was the expression used.

He testified he did not know that "unionize" meant anything more than the ordinary method of bringing all the workmen into the Structural Iron Workers' Union. It turned out later that to unionize, in that series of letters, in the circumstances, meant to dynamite the job. So he suffered for being found in bad company under suspicious circumstances. He was drawn into the net and convicted with the rest of the defendants at Indianapolis.

With all of these men in this widespread conspiracy, with large sums of money drawn out of the treasury, with one of the most important federations, with a few officers with great power in their hands, collecting money from the law-abiding members of the organization, Mr. Gompers went innocently, serenely on his way, without knowledge of what was done with the money or how the men who handled it behaved. In any ordinary affair it would be criminal negligence not to know.

Here is a significant thing. I call upon Mr. Gompers to answer it. I advert to it so that every honest union man in this Republic may treasure it in his memory and bring his understanding to bear upon it. Has there been a job of structural ironwork dynamited in the United States since the McNamaras were convicted and the Indianapolis dynamiters sent to Fort Leavenworth? Not a case of dynamiting has afflicted this country, destroyed property, or taken life since that sentence was imposed upon those men.

It is true that the men tried at Indianapolis were not convicted of murder, nor were they tried for murder nor for the unlawful destruction of property. They were tried on the charge of unlawfully transporting dynamite contrary to the interstate-commerce law. Under that they were convicted and are now serving the terms imposed upon them in the sentence pronounced upon them at the end of their trial.

No one doubts for a moment what the purposes were in the transportation of this dynamite. No man for an instant doubts that every pound of this dynamite that was transported by these defendants or through their agency with the money paid by the checks drawn and paid to the McNamaras and others was for criminal purposes. The operations of McManigal, the operations of Herbert S. Hockins, the operations of those men who were linked together by the evidence until an Indiana jury hesitated a very short time comparatively, the length of the evidence and the duration of the trial considered, resulted in finding them guilty. Does anyone doubt what was done with the dynamite and what was intended to be done with it? No sane man doubts it. It was intended to be used for lawless purposes, and it was so used. Mr. Gompers, in his letter, says:

The only inference of your attack, therefore, is not upon me personally or officially, but upon the policy, principles, and activity of the American Federation of Labor and the whole body of wage earners who have been and are striving in an American fashion and lawful manner to secure a better standard of life and equal rights and concepts of these rights with every other citizen of our Republic.

Mr. Gompers, in making that statement, knows better. Mr. Gompers, in making that statement, utterly perverts or departs from the point at issue. Mr. Gompers knows that I did not attack, nor have any of my friends ever attacked, the American Federation of Labor or the cause of labor at all. When he says that the attack is upon the organization of which he is the head he is no more correct than when, in this circular, he said that an attack upon the McNamaras and their arrest and prosecution was an attack upon the union labor of the country.

Any union-labor man, however radical he may be, would to-day resent what Mr. Gompers says in his letter that I will have incorporated in the RECORD. He would resent it as an infamous charge against the body with which he is affiliated, and he would be right when he resented it.

Why did not Mr. Gompers inform himself during all these years while these acts were being committed? If it be thought that Mr. Gompers has any duty in connection with the head of that organization, how did it happen that Mr. Gompers could permit one violent act after another? Ought not his duty go that far? Dynamite on the Pacific coast, dynamite in the Mississippi Valley, dynamite at Cleveland, dynamite at Buffalo, dynamite almost from coast to coast, and still Mr. Gompers did not know that a solitary union man, in the person of the McNamaras or their associates, had a thing in the world to do with it.

If I were at the head of an organization as its chief officer, and one of the principal bodies affiliated with that organization

was doing what the Indianapolis defendants did and what the McNamaras did, and I did not know it, I ought to be indicted for dense and inexcusable ignorance of things I ought to know—not indicted criminally, but indicted before the tribunal of reasonable men's mind.

All these years this happened. Men were suddenly blown into eternity. Millions of dollars of property were destroyed. Mr. Gompers went placidly on his way. The bloody trail in a great tragedy was unseen by this vigilant guardian. No word of rebuke came from him. He did not know it. He says he believed the McNamaras were innocent. I presume, because he has never apologized, he believes these men convicted in Indianapolis were innocent. He never has apologized for his views on either question.

He is ready at any time to defend anybody else who claims he is a member of a union, however infamous may be the crime with which he is charged, and which afterwards may be proven against him.

Mr. Gompers never apologizes. Mr. Gompers says nothing. As soon as the ordinary penal machinery that restrains desperate characters from the commission of crimes against life and property is put in motion, and a union man is arrested charged with these offenses, Mr. Gompers flies to the rescue, collects money, employs lawyers, denounces courts, inveighs against the "capitalistic press," abuses everybody connected with the law-and-order processes of courts and civil society; and when these unfortunate, deluded men are convicted no word of explanation comes from Mr. Gompers's lips.

I repeat, Mr. President, Mr. Gompers is not a good American citizen. There is not a boy on his way to mature years in this country that ought to set up the standard that Mr. Gompers follows to be his guide and mentor in the days of his manhood. Mr. Gompers is a disgrace to organized labor. Mr. Gompers is a menace to civil society. Mr. Gompers is an apologist for criminals. Mr. Gompers is an associate and boon companion of men whose hands are reddened with the blood of their fellow men. Mr. Gompers, and such as he, would overturn civil society. We would return to aboriginal force. We would lapse to the rule of violence, when not justice but the strong hand ruled.

Mr. Gompers in his letter prates of "justice" and of "humanity." What does he know of justice? The victims whose pulseless clay is slumbering on the Pacific coast, the victims who are sleeping in their graves in Chicago, some who are living to-day maimed and mangled for life are the witnesses and the names of others carved on their monuments the pathetic reminiscences of Mr. Gompers's code of justice in America.

I will have just as many union-labor votes, if I ever run for office in my country, after I have said what I have as I ever had before. If any member of an organized union thinks he ought not to vote for me, he can vote some other ticket. If any member of any organized union thinks he can advance his cause by such methods as the McNamaras used, as Ryan used, as Hockins used, I do not want the vote of that union member. If I can not be elected by law-abiding men, in the union or out of it, I never want to hold another public office while I live. I will look you union men in the face. I have done it before.

I went into the wards of my home city within a few hundred feet of the heaps of ashes where a riotous mob for two days and nights had burned and murdered. I was a candidate for office. I went into the toughest places, into the halls above saloons, and looked in the faces of the crowds there with scars on their visages, with ears chewed off in former combats, with the marks of dissipation and crime on their faces; because that city is the half-way point between St. Louis and Chicago and a convenient rendezvous for that type of men. I said, "Do not any of you men vote for me under the impression that if I am in authority I will permit you to riot and burn and murder in Springfield two days and nights again. I will get the National Guard; you will have fair warning, and if you do not disperse and go to your rendezvous and homes after about one round of blank cartridges, the rest of the rounds will have bullets; and I propose, if I am in authority, to order the men to shoot to kill you men if you do not behave yourselves." I got more votes in those precincts than I was entitled to. I ran ahead of my ticket in the toughest wards in the town because I looked in the faces of the men and told them what I thought and what I would do.

I am saying the same thing now—that if you believe in such criminal conduct, and if you believe that human society can be kept together in that way, I do not want your votes. I do not want you to vote for my friends. I want my constituents who support me to be law-abiding men. I do not care what other ticket they vote, but I want them to vote a ticket that is consonant with the law and the peaceable usages of civilized society.

Mr. President, I think I have said possibly more than I should have said, in view of the time that I have taken; but I shall not place any more documents in the RECORD at the present time. I have a great many of them. I only wish to say, in conclusion, that so far as Mr. Gompers is concerned I will take care of myself at whatever time and place and season seems to me to be necessary. I began my criticism here in the Senate. I will conclude it in the Senate, either now or hereafter, as circumstances may require. Politically, I have no quarrel with Mr. Gompers. I have no quarrel with anybody, because in what I am talking about there is no politics. If anybody favors Mr. Gompers's creed, his indefensible conduct, his inexcusable indifference to crime, and the creed of those whom he defends and apologizes for, if he were on my ticket I would not vote for him, because there is the graver question that law-abiding citizens must unite, without regard to creed and race or politics, if we shall preserve the law of the land and the institutional government we attained by the sacrifice of our fathers.

Mr. OWEN. Mr. President, I think it is unfortunate for the peace and composure of the Senate that a distinguished citizen of the United States [Mr. Gompers] should be subjected to such a drastic attack as has been indulged by the Senator from Illinois [Mr. SHERMAN], and more particularly when that citizen has been for many years repeatedly chosen as the trusted leader of nearly two millions of the working people of the United States, representing approximately ten millions of people—nearly twice as many people as reside in the great State the Senator represents. More unfortunate yet is it when the Senator on the Senate floor calls upon Mr. Gompers and defiantly challenges him "to answer like a man":

Gird up your loins, Mr. Gompers, and answer me like a man. I will teach him [Gompers] a few degrees of active, practical, civic decency in my country that he does not know of if he will only come out and give the people a chance.

Now, when Mr. Gompers offers to come out and give the people a chance, the Senator from Illinois imposes a condition that as a preliminary Mr. Gompers must be elected a Senator of the United States. I suppose, if Mr. Gompers wanted to pursue that amiable method of warfare, he would impose the further condition that the Senator from Illinois should be elected president of the American Federation of Labor as a necessary preliminary to this forensic combat.

The American people will not be entertained very soon by this debate which the Senator first invites and then evades by imposing impossible conditions as a prerequisite. Let us have peace.

There is one thing to which I think it is proper to call the attention of the Senate, and that is that the American Federation of Labor is governed by a particular system under which they take a referendum vote on questions affecting their policy, by which they have an initiative in which members and lodges may initiate proposals to be submitted to their people. For that reason the American Federation of Labor is in fact as well as in theory a self-governing body.

No man and none of its officers has any authority to deliver, and no man can deliver, the vote of the members of the American Federation of Labor, and to charge Gompers with the purpose or the attempt is preposterous.

The Senator from Illinois is entirely safe in denouncing those invisible and negligible members of the American Federation of Labor who are alleged to believe in murder and arson, dynamite and burglary. They are not very numerous, if they exist at all. They are quite negligible, and can be denounced with perfect impunity. The Senator is within his rights and perfectly safe in denouncing all the murderers and dynamiters, members of the American Federation of Labor, with all the enthusiasm which his convenience may seem to demand.

But Mr. Gompers, notwithstanding the denunciation of the Senator from Illinois, is a faithful, honorable citizen of the highest character. He is a man whom I have known for many years. I have a great respect for him. I believe he is a thoroughly honest man. I believe he loves justice and mercy and righteousness. Let Mr. Gompers speak for himself as far as the unjust charge of narrow partisanship is concerned.

I have in my hand a declaration from Samuel Gompers in the July number of the American Federationist, headed "Promises and Performances," in which he deals with political parties in language so sincere, so modest, and so just that not even the most violent partisan can justly criticize it. After he has stated what the demands of labor have been in their appeals to the Republican Party, to the Progressive Party, and to the Democratic Party, and after he has quoted what their answers are in their several national platforms—matters which ought to

be made known to the members of the American Federation of Labor—he then makes this temperate observation:

Thus, the workers have before them the platform declarations of the Republican, Democratic, and Progressive Parties upon the subjects which most directly affect them. Now, the workers must make up their minds as to which of these political parties is most likely, if intrusted with power, to carry their declarations into effect, and as to the adequacy of the response which each party made to labor's demands. For 30 years wage earners had vainly endeavored to secure the amendment of the Sherman antitrust law, so as to place voluntary organizations of toilers outside the pale of antitrust legislation that they should not be regarded in the same category as trusts and organizations organized for profit.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. OWEN. If the Senator will excuse me, I am going to occupy only about 10 minutes, then I will answer any question he would like to ask me.

For 30 years organized labor has been vainly knocking at the door of Congress to secure relief from the injunction abuse and to have restored the right of trial by jury in contempt cases. For 30 years the workers of America had vainly asked Congress to relieve the seamen from the position of bondsmen, and all this occurred under the domination of Congress and the Presidency by the Republican Party.

The Democratic Congress passed and on October 15, 1914, President Wilson signed the Clayton antitrust law. Among its provisions was the declaration that the labor of a human being is not a commodity or an article of commerce. It freed the voluntary organizations of labor from the antitrust law and under which Attorney General Wickersham said no suit, such as the Hatters' case, could now be maintained in the Federal courts. Relief from the abuse of the injunctive writ was secured and trial by jury in contempt cases restored. The Democratic Congress passed the seamen's act, and on March 4, 1915, President Wilson signed the act.

With the workers it is not a question of partisan politics. As the great conference in 1906 declared, the organized-labor movement is not partisan to a political party, but partisan to a principle, and that principle for justice, freedom, and humanity. As the campaign shall proceed it may be necessary to further elucidate the questions in the coming election of both Houses of Congress, as well as the President and Vice President. The liberty-loving citizens of our country will do their own thinking and act accordingly. They will vote as their judgment, their conscience, their patriotism, and their own interests and welfare, as well as the welfare of the people of the United States will direct.

Is this leader of the organized labor unions of the country addressing his associates in this temperate language to be denounced as a bitter partisan or as an advocate of a political party from a partisan standpoint?

The record of the Democratic administration and Congress, favorable to labor is amazing and not half understood by the country. I submit a few of these items to the record, not including the present session, with its notable accomplishments fresh in your minds, such as the rural-credits act, the child-labor act, the ship-purchase act, the Government-owned nitrate plant, armor-plate plant, and so forth.

RECORD OF THE SIXTY-THIRD CONGRESS (CONVENED APRIL 7, 1913; FINAL ADJOURNMENT MARCH 4, 1915)—MEASURES OF INTEREST TO LABOR ENACTED.

1. Organizations of labor and farmers taken from the purview of the antitrust act.
2. Limitation of the use and prevention of the abuse of the writ of injunction in labor disputes.
3. Legislation defining and restricting punishment for alleged contempt of injunction writs and providing jury trial in contempt cases.
4. Department of Justice prohibited from using antitrust appropriation funds to prosecute labor and farmers' organizations under the antitrust act. First session.
5. Department of Justice prohibited from using antitrust appropriation funds to prosecute labor and farmers' organizations under the antitrust act. Second session.
6. Department of Justice prohibited from using antitrust appropriation funds to prosecute labor and farmers' organizations under the antitrust act. Third session.
7. Passage of seamen's law, abolishing involuntary servitude, providing better treatment of seamen, and improving live-saving provisions on vessels at sea.
8. Old conciliation, mediation, and arbitration act repealed. New law enacted with permanent officials appointed to administer it in behalf of railroad employees engaged in operating service.
9. Eight-hour law enacted for women and child workers of the District of Columbia. (Decided constitutional March 13, 1915, by Supreme Court of the District of Columbia.)
10. Eight-hour law passed for employees under the Alaska Coal Land Act.
11. Public construction of Alaska railroad.
12. Industrial education provided with appropriations for farmers and rural residents under the agricultural extension act.

13. Taylor system, stop-watch and speeding-up methods in United States arsenals prohibited.

14. Taylor system, stop-watch and speeding-up methods in the United States navy yards, gun factories, and torpedo stations prohibited.

15. Piecework prohibited in Post Office Department, Washington, D. C.

16. Public construction of battleships, transports, and other vessels in United States navy yards extended. Repairs to vessels of the Navy to be made in governmental instead of private yards. Steadier work assured to employees of Government navy yards.

17. Licensed officers, such as masters, mates, and pilots, guaranteed right to quit, and protected when reporting defects of their vessels to Government inspectors.

18. Bureau of mines act extended and strengthened. Ten new experiment stations and seven new safety stations provided.

19. Senatorial investigation of industrial dispute in coal fields of West Virginia, whereby peace was restored, the eight-hour day secured, check weighmen provided, and 10 per cent increase in wages gained—right of organization guaranteed and other improved working conditions included.

20. Compensation for injuries act extended to post-office employees.

21. Post-office employees—annual promotion maintained, notwithstanding the Postmaster General's efforts to substitute biennial for annual promotions.

22. Eight-hour law for post-office clerks and carriers retained, notwithstanding the effort of the Postmaster General to change radically.

23. Letter carriers' salaries restored, notwithstanding the effort of the Postmaster General to reduce the pay of letter carriers, known as collectors, from \$1,200 to \$1,000 per year.

24. Locomotive boiler-inspection act extended to cover locomotive engines and tenders.

25. Leave of absence with pay to employees of Government Printing Office extended from 26 to 30 days per year.

26. Impeachment proceedings of Judge Wright responsible for his resignation.

27. Special congressional investigation of industrial disputes in the Colorado coal fields and the Michigan copper region, wherein all of the complaints and charges made by the men of labor against the mining companies and the alliance of these companies with the political and military powers of the States were officially verified and substantiated.

28. An additional annual appropriation of \$240,000 for the years 1914-15 was provided for the pay roll of the metal trades mechanics employed at the Washington, D. C., Navy Yard. This was equivalent to a 7.81 per cent increase in wages.

29. The statutory enactment of an income tax in conformity with the recent United States constitutional amendment.

30. An additional appropriation of \$139,000 for the work of the Children's Bureau.

31. More adequate appropriations for the Department of Labor to carry on its work.

32. Senate resolution demanding information from Cabinet officials as to what uses, if any, were made of Rockefeller or Carnegie funds in their departments.

33. Prevented a reduction in wages and installation and collection of rents for employees on the Panama Canal Zone.

34. Immigration bill providing for the literacy test, passed by Congress and vetoed by the President.

I ask the privilege of putting in Mr. Gompers's modest letter in its entirety without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

PROMISES AND PERFORMANCES.

[By Samuel Gompers.]

There has been a force in American politics that has insistently and steadily presented the human side and the human relations of all questions. This force has made itself felt with increasing vigor during recent years. The results of its work are demonstrated in the clarification of political issues, in the greater consideration that has been given to human rights in legislation and administration, and in the more general representation that has been given to human interest in all departments of government.

When the American Federation of Labor inaugurated its new policy for nonpartisan political use of labor's political power in 1906 the power of corporate wealth seemed entrenched behind impregnable control over the Government. But labor has brought a change in the attitude of Government representatives toward its demands and in the kind and number of laws enacted in the interest of workers.

When the representatives of the American Federation of Labor in 1906 presented labor's bill of grievances to those in responsible positions in the legislative and executive branches of the Federal Government they presented 10 demands. Since that presentation all but two of these original demands have been enacted into law, in addition to the long list of humanitarian legislation recently set forth in the pamphlet

issued by the American Federation of Labor entitled "Labor's Legislative Achievements." Labor stands for a broad interpretation of the purposes and methods of government that they may make for freedom, equal justice, and serve the interests of humanity.

The political principles and legislative demands which labor now urges upon the Congress of the United States were in accord with the instructions of the conventions of the American Federation of Labor presented to the platform committees of the various political parties. This thought was urged upon the representatives of those parties, that the time is past when it can longer be questioned that human rights and human welfare are of paramount importance to all the Nation. The future of any political party depends upon what it will undertake to do for the masses of the people.

With the recognition of this principle, we have entered upon a period when there must be competition between the political parties as to which can do most for the citizens of the Nation. The demands which were presented to the platform committees of the Republican and Progressive Parties which met in Chicago were as follows:

"Government and all civilization exist for the service of human beings and the promotion of their betterment. Such purposes are best achieved when those who are primarily affected by policies and methods have the power of determining them. Under such conditions only will there be relations of good will between fellow citizens and a spirit of true patriotism essential to the best development and unity of our Nation. There must be reason for the conviction that citizens can rely upon the Government for impartial maintenance of rights and protection. Such an attitude can result only when principles of human welfare are made paramount to any other consideration. Experience of other countries and scientific information substantiate the contention that sweated industries, overstrain, long and burdensome hours of toil, tend to physical deterioration, loss of mental virility, and consequent decreased producing power. Standards of life and work, daily hours of toil and wages, have a direct relation to economic progress and development as well as to preparedness for national defense.

"We pledge our party to maintain the Federal law enacted by Congress securing to the workers the legal right of voluntary association, for mutual protection and welfare, protecting their rights against unwarrantable issuance of writs of injunction, and guaranteeing the right of trial by jury in alleged contempt cases committed outside the presence of courts.

"National preparedness, as well as commercial development, in keeping with the importance and the dignity of our Nation, require that we shall have competent and able American seamen. We urge as essential to this purpose the vigorous enforcement of the seamen's act and the most liberal interpretation of its provisions. We are opposed to any minimizing of present provisions for the protection of seamen and for the safety of the traveling public. It is essential to National safety, as well as to the maintenance of an American merchant marine, that conditions of work for seamen shall be such as shall induce resourceful, capable, liberty-loving Americans to follow that vocation. Such American seamen will constitute a trained reserve force in times of national peril.

"In order to protect the wages of our workmen and their standards of living against the dangerous competition of low-priced labor, which will be largely increased at the close of the European war by the migration of such labor to this country, we demand that the immigration and contract-labor laws be thoroughly enforced and so extended as to exclude from entrance to the United States all persons who can not read some language.

"The fundamental step in national preparedness for development and growth as well as for defense is education that will develop the power and faculties of all citizens and will enable each to take advantage of opportunities for life and work. We demand that there shall be provisions for industrial education and vocational training in addition to cultural education. National industrial efficiency is not a haphazard occurrence, but is the result of carefully considered methods and policies. The initial requisite for any policy to further industrial efficiency is liberal appropriations for necessary education. As this is a matter of national concern, we demand the early enactment of a law providing for adequate assistance to public educational institutions in the various States, which shall provide for industrial education and vocational training in accord with Federal provisions and standards.

"We demand the enactment and rigid enforcement of a Federal child-labor law which shall give adequate protection to the child life of the Nation.

"We demand the faithful observance and enforcement of all the Federal eight-hour laws and their extension to comprehend all departments of Government.

"We urge the enactment of a law by Congress for a comprehensive and generous workmen's compensation act.

"We demand the enactment of legislation excluding from interstate commerce the products of convict labor.

"We demand legislation that will abolish present preventable and appalling loss of life and maiming of human beings in American industry and transportation. We favor the creation and maintenance of a bureau of safety under the Department of Labor, which shall be authorized and directed to collect and collate data dealing with industrial hazards and to devise and recommend to Congress any further legislation necessary for securing safety and conservation of human labor power, as well as to formulate and put into operation methods whereby adequate protection shall be afforded to workers from the hazards of industry and transportation.

"Under the euphonious and misleading term "scientific management" and systems of time study and stop watches many have been deceived. Any system which ignores principles of human welfare disregards consideration of fatigue and the effects of highly specialized methods of production which subdivide mechanical and other operations into such units that the individual tasks become machine-like and injurious to mind and body can not be countenanced. These systems not only have injurious effect upon the lives—the physical and mental well-being of our workers—but curb the development of skill among the toilers of America. We therefore demand that all adaptations of speeding-up systems shall be forbidden in all work in which the Government is concerned.

"For the safety and the protection of the workers of America we declare for the extension of the powers and functions of the Federal Bureau of Mines.

"We pledge our party to the enactment of a law bestowing upon the people of Porto Rico the full right of American citizenship.

"We favor adequate compensation for all employees in the civil service and legislation establishing a reasonable minimum wage for all such employees.

"We favor the creation of a tribunal to which all employees in the competitive civil service may appeal for redress of grievances.

"We favor the enactment of a comprehensive Federal compensation law to apply to all civil-service employees.

"We favor and pledge our support to secure the enactment of an equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service.

"We assert that the acceptance of employment in the civil service of our Government must in no case impair the employees' right of petition.

"We favor Government ownership of telegraphs and telephones.

"We favor the absolute suffrage of women coequal with men.

The platform of the Republican Party contains the following planks of interest to labor:

"The civil-service law has always been sustained by the Republican Party, and we renew our repeated declaration that it shall be thoroughly and honestly enforced and extended wherever practicable.

"We pledge the Republican Party to the faithful enforcement of all Federal laws passed for the protection of labor. We favor vocational education; the enactment and rigid enforcement of a Federal child-labor law; the enactment of a generous and comprehensive workmen's compensation law, within the commerce power of Congress, and an accident compensation law covering all Government employees. We favor the collection and collation, under the direction of the Department of Labor, of complete data relating to industrial hazards for the information of Congress, to the end that such legislation may be adopted as may be calculated to secure the safety, conservation, and protection of labor from the dangers incident to industry and transportation.

"The Republican Party, reaffirming its faith of government of the people, by the people, for the people, as a measure of justice to one-half the adult people of this country, favors the extension of the suffrage to women, but recognizing the right of each State to settle this question for itself."

The Progressive platform contains the following response to labor's demands:

"A nation to survive must stand for the principles of social and industrial justice. We have no right to expect continued loyalty from an oppressed class. We must remove the artificial causes of the high cost of living, prevent the exploitation of men, women, and children in industry by the extension of the workmen's compensation law to the full limit permitted under the Constitution, and, by a thoroughgoing child-labor law, protect the wage earner; and by a properly regulated system of rural credits encourage the farmer and give to the landless man opportunity to acquire land.

"A country must be worth living in to be worth fighting for."

Labor's demands were presented to the Democratic Party which placed in its platform the following labor planks:

"We have lifted human labor from the category of commodities, and have secured to the workman the right of voluntary association for his protection and welfare. We have protected the rights of the laborer against the unwarranted issuance of writs of injunction, and have guaranteed to him the right of trial by jury in cases of alleged contempt committed outside the presence of the court.

"We hold that the life, health, and strength of the men, women, and children of the Nation are its greatest asset, and that in the conservation of these the Federal Government, wherever it acts as the employer of labor, should both on its own account and as an example put into effect the following principles of just employment:

"1. A living wage for all employees.

"2. A working day not to exceed eight hours, with one day of rest in seven.

"3. The adoption of safety appliances and the establishment of thoroughly sanitary conditions of labor.

"4. Adequate compensation for industrial accidents.

"5. The standards of the 'uniform child-labor law,' wherever minors are employed.

"6. Such provisions for decency, comfort, and health in the employment of women as should be accorded the mothers of the race.

"7. An equitable retirement law providing for the retirement of superannuated and disabled employees of the civil service to the end that a higher standard of efficiency may be maintained.

"We believe also that the adoption of similar principles should be urged and applied in the legislation of the States with regard to labor within their borders, and that through every possible agency the life and health of the people of the Nation should be conserved.

"We declare our faith in the Seamen's Act, passed by the Democratic Congress, and we promise our earnest continuance of its enforcement.

"We favor the speedy enactment of an effective Federal child-labor law and the regulation of the shipment of prison-made goods in interstate commerce.

"We favor the creation of a Federal bureau of safety in the Department of Labor, to gather facts concerning industrial hazards, and to recommend legislation to prevent the maiming and killing of human beings.

"We favor the extension of the powers and functions of the Federal Bureau of Mines.

"We favor the development upon a systematic scale of the means already begun under the present administration to assist laborers throughout the Nation to seek and obtain employment, and the extension by the Federal Government, by the same assistance and encouragement as is now given to agricultural training.

"We heartily commend our newly established Department of Labor for its excellent record in settling industrial strikes by personal advice and through conciliating agents.

"We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men."

Thus, the workers have before them the platform declarations of the Republican, Democratic, and Progressive Parties upon the subjects which most directly affect them. Now, the workers must make up their minds as to which of these political parties is most likely, if entrusted with power, to carry their declarations into effect, and as to the adequacy of the response which each party made to labor's demands. For 30 years wage earners had vainly endeavored to secure the amendment of the Sherman antitrust law, so as to place voluntary organizations of toilers outside the pale of antitrust legislation that they should not be regarded in the same category as trusts and organizations organized for profit. For 30 years organized labor had been vainly knocking at the door of Congress to secure relief from the injunction abuse and to have restored the right of trial by jury in contempt cases.

For 30 years the workers of America had vainly asked Congress to relieve the seamen from the position of bondmen, and all this occurred under the domination of Congress and the Presidency by the Republican Party.

The Democratic Congress passed, and on October 15, 1914, President Wilson signed the Clayton antitrust law. Among its provisions was the declaration that the labor of a human being is not a commodity or an article of commerce. It freed the voluntary organizations of labor from the antitrust law and under which Attorney General Wickersham said no suit, such as the hatters' case, could now be maintained in the Federal courts. Relief from the abuse of the injunctive writ was secured and trial by jury in contempt cases restored. The Democratic Congress passed the seamen's act, and on March 4, 1915, President Wilson signed the act.

With the workers it is not a question of partisan politics. As the great conference in 1906 declared, the organized labor movement is not partisan to a political party, but partisan to a principle, and that principle for justice, freedom, and humanity. As the campaign shall proceed, it may be necessary to further elucidate the questions in the coming election of both Houses of Congress, as well as the President and Vice President. The liberty-loving citizens of our country will do their own thinking and act accordingly. They will vote as their judgment, their conscience, their patriotism, and their own interests and welfare, as well as the welfare of the people of the United States will direct.

Mr. OWEN. Now, Mr. President, here is the declaration of a man who is the head of a great organization of labor, the greatest in the world. He merely lays the facts before his people. He leaves it to them to say what they will do in the coming election. He makes no partisan political appeal.

But I will say this, that after the experience of these organizations with 30 years of Republican rule in which they had appealed in vain time and time and time again for relief, if they now fail to show a fundamental and substantial appreciation of what the Democracy has done for them they will not deserve in future to be listened to by any political party on the ground that they are capable of gratitude or of respect for the performance of promises made them in national platforms.

Now, Mr. President, if the Senator from Illinois wants to ask me any questions I will be very pleased to answer him.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. OWEN. I yield.

Mr. SHERMAN. I desire to ask the Senator if he has any documentary evidence that Mr. Gompers ever denounced any member of the organization for crime after he had been convicted and sentenced.

Mr. OWEN. I know nothing about Mr. Gompers having denounced members who belonged to any of the labor-union organizations after they have been convicted of crime. I think, however, that Mr. Gompers is not called upon as the head of the American Federation of Labor to apologize to the country whenever any member of that organization is convicted of crime any more than the Senator from Illinois is called upon to apologize to the country whenever a person is convicted of murder in the State of Illinois.

Mr. SHERMAN. I have neither apologized for crime nor have I ever failed to denounce upon proper occasion the members of my profession who have committed crime that is peculiar to the profession, such as embezzlement and failure to account for funds. I have openly said a number of times that the profession must purge itself of such faithless members. I ask if Mr. Gompers has ever used his influence publicly so that we outsiders may know anything of the effort to keep his organization free from such persons as these defendants whom I have criticized?

Mr. OWEN. Mr. President, I have no doubt that Samuel Gompers and the vice presidents and officers of that organization have done whatever they could to keep their organization clean from criminals, because, as a matter of common sense, those men thoroughly understand, as any person of average intelligence understands, that to permit their organization to be controlled or to shelter criminals and murderers would be to disorganize and break the organization asunder and grind it to powder. The assumption that Samuel Gompers is willing to condone murder, I think, is absolutely outside of the record of any evidence in this country. I do not believe that he is unfaithful in any degree to his duties. I regard him as an upright man. I know him, and I know thousands of men who have known Gompers all their lives, and who trust him and believe in him.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Illinois?

Mr. OWEN. I yield to the Senator from Illinois.

Mr. SHERMAN. Mr. Gompers, so far as I know, has furnished no evidence of the good motives attributed to him by the Senator from Oklahoma, and I wish to inquire if the Senator knows of any such testimony?

Mr. OWEN. I sincerely attribute the highest motives and qualities to the Senator from Illinois, but I do not call upon him for further evidence of his good motives than an upright life and the confidence of those who know him best. Nor would I judge him by words spoken in anger or excitement or from resentment toward what he thought an injustice to himself.

Neither do I call for further evidence of Mr. Gompers's good motives than the overwhelming evidence I already have.

Mr. SHERMAN. I wish to state further that I have the very greatest confidence in the members of the various unions affiliated with the Federation of Labor. I do not have any confidence in Mr. Gompers or in his integrity or purpose in the guidance of that great organization.

Mr. OWEN. The Senator can not have any confidence in the judgment of organized labor in this country in denouncing as he does this man whom millions of members of the unions have trusted and whom they have elected over and over again. Have these organized labor people no common sense? Have they no judgment? Have they no evidence of the integrity and ability and worth of this man?

Mr. SHERMAN. There are many hundreds of thousands of unionized labor that are not affiliated even with the federation, and I know even in the federation the opinion of many good-standing and law-abiding members of Mr. Gompers.

Mr. OWEN. The Senator, of course, did not answer the point I made. He simply said there are some people not in that organization who do not trust him. There are 2,000,000 people in it who know him and who do trust him.

Mr. SHERMAN. I am also referring to the people who are in organizations affiliated, whose opinion of Mr. Gompers is not much better than mine. I am entitled to my opinion. The Senator has his.

Mr. OWEN. Does the Senator regard that information from these various persons as to their opinion of Mr. Gompers as confidential, or is he willing to disclose it?

Mr. SHERMAN. With whom?

Mr. OWEN. Does the Senator regard the persons who distrust Mr. Gompers as a matter of confidential import, or is he willing to disclose to the country who they are?

Mr. SHERMAN. I will communicate with them, and if it will be any satisfaction to the Senator from Oklahoma I will give him their names, with their consent.

Mr. OWEN. Well, Mr. President, I do not wish to detain the Senate on this matter. I only regret that any time of the Senate should be taken up at all in considering a matter of this kind, and I hope that in the future no citizen of the United States will be subjected to such an attack on the floor of the Senate as has been made this afternoon.

Mr. JAMES. Mr. President, does not the Senator think—

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. OWEN. I yield to the Senator.

Mr. JAMES. Does not the Senator think it would have been more in keeping with the dignity of the Senate for the Senator from Illinois to have communicated with these gentlemen before he made this charge than to make the charge and then refuse to disclose his evidence, unless he has their consent? It seems to me that the Senate is not a proper place for a Senator representing a great Commonwealth to make broadside charges affecting the integrity and character of citizens of the Republic without being willing also to give his evidence. I do not think it is quite the right thing nor the proper place for the Senator to make the charge and then say, "I will sustain it, provided I can get the consent of the men who gave me the evidence."

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. OWEN. Mr. President, before I yield the floor I desire to call the attention of the Senate to House bill 1542, a bill relating to the publicity of campaign contributions, and so forth, which has passed the House of Representatives, come over to the Senate, and been reported to the Senate. I ask unanimous consent—

Mr. SMOOT. Mr. President, it is useless to ask unanimous consent now.

Mr. OWEN. That we may act upon this matter and vote upon it some day during the coming week.

Mr. SMOOT. The Senator knows it is impossible to get a quorum here now; but if the Senator wants to try to drag Senators back here at 6.15 o'clock, he can do so.

Mr. OWEN. If the Senator objects, of course—

Mr. SMOOT. Of course I object, and the Senator knows why I object.

Mr. OWEN. In the presence of an objection, Mr. President, I will yield the floor.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. HUGHES. I present the conference report on House bill 16290 and ask unanimous consent for its present consideration. The PRESIDING OFFICER. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16290) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 19, 24, 29, 30, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 25, 26, 27, 28, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, and 43, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum named insert "\$30"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: Transpose the matter inserted by said amendment to follow the word "Cavalry," in line 15, page 62, of the bill; and the Senate agree to the same.

WM. HUGHES,

REED SMOOT,

Managers on the part of the Senate.

M. E. BURKE,

JNO. W. LANGLEY,

Managers on the part of the House.

The PRESIDING OFFICER. Is there any objection to the present consideration of the conference report? The Chair hears none.

Mr. HUGHES. Mr. President, I have listened to the debate this afternoon—

Mr. SMOOT. If that is the case, I am going to suggest the absence of a quorum, and I suggest the absence of a quorum.

Mr. SHEPPARD. Mr. President, the Senator from Utah can not take the Senator from New Jersey off his feet to suggest the absence of a quorum.

Mr. HUGHES. I make the point of order that the Senator can not make the suggestion when I have the floor.

The PRESIDING OFFICER. The point of order is well taken. What does the Senator from New Jersey wish to have done with the report?

Mr. HUGHES. I do not blame the Senator from Utah for trying to stop the discussion going on here.

Mr. SMOOT. Not at all. I am not trying to do so.

Mr. HUGHES. It is the most scandalous thing that has ever occurred in the Senate of the United States. A reputable citizen, a man who represents over two million people, has been abused here in terms that "one would have to go to a disorderly house," to use the expression of the Republican candidate for President, to find anything to equal it.

Mr. SMOOT. Mr. President, I had no idea—

Mr. HUGHES. I have the floor.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. HUGHES. I do not yield to the Senator. The Senator sat here all afternoon in silence and listened to the abuse that was heaped upon the head of as honorable a man as he is and as honorable a man as sits in this Chamber.

Mr. SMOOT. Mr. President, I did not know—

Mr. HUGHES. I do not yield to the Senator.

Mr. SMOOT. I merely desire to say that I did not know the Senator was going to speak on this subject. I thought he was going to endeavor to bring up a bill from the calendar; but I do not care whether or not he takes the remainder of the time this afternoon.

The PRESIDING OFFICER. The Senator from Utah is out of order.

Mr. HUGHES. If the Senator does not care, then will the Senator subside and keep quiet? I am addressing my remarks to such of the Senators as are here. I am sorry that there are not more Republicans as well as more Democrats here to listen to the poor defense which I desire to make, in the minute or two which I intend to occupy, of a man whom I regard as

truly representative of the most important class of people in this country, a man who has been abused in terms that are unworthy of the traditions of the United States Senate.

There never has been a man in all the world's history who has occupied the place that Mr. Gompers occupies who has not been abused in similar terms, abused by people who hypocritically hide behind their pretended affections for certain of his people, but who in their hearts have nothing but hatred and malignancy against any man who strikes a blow for humanity. The man who raises his voice in behalf of a child, the man who raises his voice in behalf of a woman, the man who raises his voice in favor of the weak and oppressed has been since the beginning of the world subjected to the same abuse which has been heaped here this afternoon upon this representative of the toilers of America.

You can turn to any period of the world's history and ascertain the truth of my assertion. When the agitation first began to put into use the commonest and crudest appliances for safety, when it was attempted by legislative enactments to shroud the yawning jaws of the cog wheels so that the arms and limbs of the children of the United States might not be fed into those industrial agencies, you will find that the men who sought to bring about such legislation, men like Gompers, who was the pioneer along that line, were denounced as anarchists, as men who desired to subvert the institutions of this country. They won that fight, and they have won thousands of other fights, and to-day hundreds of thousands of American citizens are enjoying life and are walking the broad earth in full possession of their limbs because of the activities of these men.

They have interfered with dividends. That is the sole crime; that is the only indictment that has been made against them. They have compelled the representatives of capital to safeguard their machinery. They have driven from the factories the tender children whose sinews were ground up into dividends. They have compelled the capitalists of the country to put their hands into their treasuries and place safety appliances upon freight cars and other instrumentalities of industrialism in this country.

It has cost money to save lives; it has cost money to save the limbs of the working people of this country, and to that extent these men and thousands like them have offended. And now, forsooth, because Mr. Gompers, an American citizen, thought it well to differ with the vote cast by the Senator from Illinois on a proposition which directly affected him, he is to be subjected to the abuse that has deafened our ears here this afternoon.

Talk about arraying class against class; talk about subversion of the institutions of this country, if a man can in this Chamber be held up to public scorn for exercising his rights as a citizen, what then becomes of the sacred right of every American citizen to vote for whom he pleases? What becomes of the sacred right of a man to exercise free speech?

Aye, Mr. President, what would become of the right of a Senator himself to exercise that right here which the Constitution gives him to be questioned in no other place, and what shall be said of a Member of this body who rises here and says on the floor of the Senate what he could not safely say in any other tribunal in this land?

Mr. Gompers needs no defense at my hands. I never laid my eyes on him until I came to the city of Washington; but I have watched his course; I have watched the course of those who have been collaborating with him, and I give it as my testimony that I have never seen him put his hand to a piece of proposed legislation that was not calculated to save the lives and the limbs and better the conditions of the working people of the United States of America.

Mr. KERN. I move that the Senate adjourn until 12 o'clock on Monday.

The PRESIDING OFFICER. What does the Senator from New Jersey wish done with regard to the conference report?

Mr. HUGHES. I asked unanimous consent that it be adopted—

The PRESIDING OFFICER. Unanimous consent has been given.

Mr. HUGHES. And I thought the report had been adopted.

The PRESIDING OFFICER. Without objection, the conference report will be agreed to.

Mr. GRONNA. What is the conference report?

Mr. SMOOT. I should like to say, now that the Senator from New Jersey has subsided, since he would not yield to me, that I wanted to know, in the first place, what the matter was that he desired to bring up. I understood he had the calendar before him and had asked for the consideration of a bill, and therefore I objected. If we were going to take up a bill and were not going to adjourn, I wanted to get a quorum here.

Mr. HUGHES. I told the Senator what I was endeavoring to do.

Mr. SMOOT. No; the Senator did not tell me that he wanted to speak on Mr. Gompers.

Mr. HUGHES. I told the Senator that I was offering a conference report which the Senator himself had signed.

Mr. SMOOT. I have no objection at all to the conference report being acted upon. I thought, of course, that it had been acted upon and that the Senator was proceeding here with another proposition. I have no objection.

Mr. GRONNA. I ask for the reading of the report. I want to know what it is.

The PRESIDING OFFICER. It is a pension bill.

Mr. GRONNA. I did not hear it, Mr. President.

The PRESIDING OFFICER. It was read. The Secretary will read it again.

The Secretary again read the conference report.

Mr. GRONNA. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

MISSISSIPPI RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 5886) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912," which were, on page 2, line 3, after "River," to insert two quotation marks; on page 2, line 4, after "twelve," to strike out two quotation marks; on page 2, line 6, after "seventeen," to insert: "Provided, That the wagon-way portion of said bridge and the approaches thereto shall be completed within said time"; on page 2, after line 6, to insert: "Sec. 2. That the proviso in section 1 of said act approved August 23, 1912, be, and the same is hereby, amended to read as follows: 'Provided, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad purposes, it shall provide for an adequate and a separate roadway and approaches and continuous use by the public as a highway bridge, to be used by vehicles, pedestrians, horsemen, animals, and all kinds of traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents';"; on page 2, line 7, to strike out "Sec. 2" and insert "Sec. 3"; and to amend the title so as to read: "An act extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled 'An act to amend an act approved July 20, 1912, entitled 'An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River,' approved August 23, 1912.'"

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House.

Mr. SMOOT. Is this a bridge bill?

Mr. SHEPPARD. It is a bridge bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands.

The message further announced that the House insists upon its amendment to the bill (S. 136) for the relief of Eva M. Bowman, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Mississippi, Mr. GOODWIN of Arkansas, and Mr. YOUNG of North Dakota managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 17398) granting the consent of Congress to the

board of county commissioners of the county of Hampden, in the Commonwealth of Massachusetts, to construct a bridge across the Connecticut River between Springfield and West Springfield, in said county and Commonwealth, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

- S. 1781. An act for the relief of Nathaniel Monroe;
- S. 1818. An act for the relief of Nelson T. Saunders;
- S. 3533. An act for the relief of Mike G. Womack;
- S. 3539. An act for the relief of John L. Moon;
- S. 5202. An act to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me.;
- S. 5425. An act to standardize lime barrels;
- S. 6013. An act to confirm the entry of John Dowd;
- S. 6331. An act authorizing the Secretary of the Interior to issue patent to William H. Ingle for homestead entry in Colorado;
- H. R. 5. An act for erecting a suitable memorial to John Ericsson;
- H. R. 4559. An act for the relief of C. Horatio Scott;
- H. R. 13984. An act granting to the city of Philadelphia, in the State of Pennsylvania, a right of way through the United States military reservation at Fort Mifflin, Pa.;
- H. R. 16914. An act permitting the Needles & Oatman Bridge Co. to construct, maintain, and operate a bridge across the Colorado River between the States of California and Arizona; and
- H. R. 16995. An act granting the consent of Congress to A. N. Alford to construct a bridge across the Savannah River.

PETITIONS.

Mr. ROBINSON presented a petition of sundry members of the fire department of Little Rock, Ark., praying for the enactment of legislation to provide pensions for policemen and firemen of the District of Columbia, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Chamber of Commerce, of San Francisco, Cal., praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. ROBINSON, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 549) to regulate the interstate transportation of immature calves, reported it with an amendment and submitted a report (No. 807) thereon.

Mr. KERN, from the Committee on Privileges and Elections, to which was referred the bill (H. R. 15842) to revise, amend, and codify the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Senator and Representative in the Congress of the United States, extending the same to candidates for nomination and election to the offices of President and Vice President of the United States, limiting the amount which may be expended, providing for the publicity of campaign expenses, and for other purposes, reported it with an amendment and submitted a report (No. 808) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 6909) granting a pension to Leonardo S. Twisten (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 6910) for the relief of Roberdeau Buchanan, administrator de bonis non of McKean Buchanan, deceased; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 6911) granting a pension to Hugh Mackay (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 6912) granting a pension to Albert S. Clouse (with accompanying papers); to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 6913) granting a pension to J. H. Cummings (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 168) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. PENROSE, it was

Ordered, That the papers accompanying the bill S. 1605, Sixty-fourth Congress, first session, granting a pension to Fannie M. Carey, be withdrawn from the files of the Senate, no adverse report having been made thereon.

On motion of Mr. PENROSE, it was

Ordered, That the papers accompanying the bill S. 5137, Sixty-fourth Congress, first session, for the relief of Jacob Swartz, be withdrawn from the files of the Senate, no adverse report having been made thereon.

GEORGE RUBLEE.

Mr. GALLINGER. I ask unanimous consent to offer a resolution for which I ask present consideration.

The resolution (S. Res. 251) was read, as follows:

Whereas on May 15, 1916, the Senate rejected the nomination of George Rublee as a member of the Federal Trade Commission; and Whereas the act of May 1, 1884, volume 23, page 17, United States Statutes at Large, provides as follows:

"Hereafter no department or officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in case of sudden emergency involving the loss of human life or the destruction of property": Therefore be it

Resolved, That the chairman of the Federal Trade Commission be directed to inform the Senate at once under what authority of law George Rublee is now acting as a member of the Federal Trade Commission.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. ROBINSON. Let it go over.

The VICE PRESIDENT. It will go over under the rule.

RURAL-CREDITS SYSTEM.

Mr. CLAPP. Mr. President, I have a copy of a communication from Hon. Marion Butler addressed to the chairman of the joint congressional committee on rural credits relative to the essentials of an efficient rural-credits system. I ask that the communication be referred to the Committee on Printing, with a view to having it printed as a public document.

The VICE PRESIDENT. The communication will be referred to the Committee on Printing for action.

CHILD LABOR—CONFERENCE REPORT.

Mr. ROBINSON. Mr. President, the conferees on the so-called child-labor bill have reached an agreement by which the managers on the part of the House of Representatives have receded from their disagreement to the Senate amendments and have agreed thereto. My understanding is that the legal effect of that action is that the bill stands passed. However, I ask unanimous consent that the Senate also agree to the conference report.

Senators have suggested that, in order to save any question, the conference report should also be agreed to by the Senate, and I make that request.

Mr. SMITH of Georgia. I have no objection to the conference report being agreed to, but I do not like to have it done with the idea that there is any necessity for it. The Senator from New Hampshire [Mr. GALLINGER] has been here a great deal longer time than I have, and I desire to inquire of the Senator that where the other House agrees to the Senate amendments to a House bill, which passes the bill in the form we have passed it, whether any further action on the part of the Senate is necessary? It would seem to me impossible that it should require action by the Senate, but I have no objection to such action.

Mr. ROBINSON. I myself think that it does not require action on the part of the Senate, but I have consulted with Senators who are members of the committee, including the Senator from Iowa [Mr. CUMMINS] and the Senator from Minnesota [Mr. CLAPP], and it was suggested that I take this course. I can see no objection to doing that, inasmuch as the action upon the part of the House is to concur in the Senate amendments.

Mr. GALLINGER. Mr. President, I was consulted as to the matter by one Senator, and I suggested that my view was that the recession on the part of the House from its disagreement to the Senate amendment passed the bill, but, to "make assur-

ance double sure," it might be well for the Senate to act. It can not do any harm to agree to the conference report.

Mr. SMOOT. Mr. President, the Senate can agree to the House report. If the Senator from Arkansas has a report to submit on behalf of the Senate conferees, that should be done.

Mr. ROBINSON. I have a report on the part of the Senate conferees, which I ask leave to present, and I move that it be adopted.

The VICE PRESIDENT. The conference report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JOE T. ROBINSON,
MOSES E. CLAPP,
Managers on the part of the Senate.
DAVID J. LEWIS,
J. M. C. SMITH,
Managers on the part of the House.

The VICE PRESIDENT. The question is on the adoption of the conference report.

The report was agreed to.

HOUSE BILL REFERRED.

H. R. 17398. An act granting the consent of Congress to the board of county commissioners of the county of Hampden, in the Commonwealth of Massachusetts, to construct a bridge across the Connecticut River between Springfield and West Springfield, in said county and Commonwealth, was read twice by its title and referred to the Committee on Commerce.

Mr. KERN. I move that the Senate adjourn until 12 o'clock on Monday next.

The motion was agreed to; and (at 6 o'clock and 22 minutes p. m., Saturday, August 19, 1916) the Senate adjourned until Monday, August 21, 1916, at 12 o'clock meridian.

SENATE.

Monday, August 21, 1916.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our heavenly Father, we come to Thee that we may find a larger unity of life, that is in Thee alone. We thank Thee that amid all the conflicts of opinion there ever flashes out among us expressions of fellowship and brotherhood which show that the currents of our life as a Nation are running true. We are ever looking to Thee for guidance that we may maintain this unity, that we may realize this brotherhood, that we may build up great institutions which may stand the test of time because they are founded upon the changeless law of God our Father. Hear us to-day in our prayer. Guide us in the discharge of the duties of the day. For Christ's sake. Amen.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, August 18, 1916, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALLING OF THE ROLL.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Myers	Sheppard
Brady	Harding	Nelson	Smith, Ariz.
Brandeggee	Hardwick	O'Gorman	Smith, Ga.
Bryan	Hughes	Oliver	Smith, Md.
Chamberlain	Husting	Overman	Smith, S. C.
Chilton	Johnson, S. Dak.	Owen	Smoot
Clapp	Jones	Penrose	Sterling
Clarke, Ark.	Kern	Phelan	Stone
Culberson	Lane	Pittman	Taggart
Cummins	McCumber	Pomerene	Thomas
Curtis	McLean	Ransdell	Vardaman
Dillingham	Martin, Va.	Robinson	Warren
Gallinger	Martine, N. J.	Shafroth	

Mr. JONES. The junior Senator from Michigan [Mr. Townsend] is necessarily absent on account of illness in his family. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. POMERENE. I present a petition of H. M. Cramer and numerous other signers. I ask that the body of the petition without the names be incorporated in the Record.

Mr. SMOOT. I could not hear a word the Senator said.

Mr. POMERENE. I am presenting a petition numerously signed asking for legislation providing for arbitration in disputes between railroad companies and their employees. I ask that the body of the petition be incorporated in the Record without reading. It is short.

Mr. SMOOT. Without the signatures?

Mr. POMERENE. Yes; it is very numerously signed.

There being no objection, the petition was referred to the Committee on Interstate Commerce, and the body of the petition was ordered to be printed in the Record, as follows:

We, the undersigned citizens of the State of Ohio and among those comprising the more than 80 per cent of the employees of the railways of our State and country, being confronted with the possibility of an entire paralyzation of the railways of the country by the proposed general strike of the four orders of trainmen, a group of less than 20 per cent of the entire number of railway employees, and the consequent curtailment of income to us, and fully realizing that under this great Government, where the ruling doctrine is "The greatest good to the greatest number," we, the large majority—more than 80 per cent of the people to be directly injured by such destructive methods of the few who happen to be placed in a position where they can use them—have a clear and definite right to be protected (the general public and all other industries seriously endangered also having that right), do earnestly petition you, our Senators and Representatives, individually and as the Congress of the Nation, and pray that some definite legislative action be taken whereby the vast majority of the people of the country shall be protected from a destructive interruption of interstate commerce due to wholly selfish action of a small group of men, and that all differences which may arise between railway and employee shall be settled by proper arbitration. In this way you would recognize that fundamental principle of the Republic, that no small group of men ought to be permitted, directly or indirectly, to conspire to an end calculated to benefit them only, and directly or indirectly work wrong and loss upon the great majority.

Mr. OLIVER presented petitions of sundry labor unions of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. HUSTING presented a memorial of the Wisconsin State Bankers' Association, remonstrating against the enactment of legislation to provide for branch banking, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Wisconsin State Bankers' Association, relative to the deposits which country banks under the Federal Reserve System must keep on hand, which was referred to the Committee on Banking and Currency.

He also presented a memorial of the Wisconsin State Bankers' Association, remonstrating against the establishment of a general system for the clearing of checks without charge, which was referred to the Committee on Banking and Currency.

Mr. PHELAN presented a petition of the Merchants' Association of Ukiah, Cal., praying for the settlement of the difficulties between the railroads and their employees by the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 10124) to add certain lands to the Rocky Mountain National Park, Colo., reported it without amendment and submitted a report (No. 809) thereon.

He also, from the same committee, to which was referred the bill (H. R. 15096) to amend the act entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated," and to authorize an exchange of lands between the United States and the several States, reported it with amendments and submitted a report (No. 810) thereon.

SAC AND FOX INDIANS OF OKLAHOMA.

Mr. OWEN. From the Committee on Indian Affairs, I report back favorably without amendment the bill (H. R. 16093) to amend an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma." The bill has the approval of the Secretary of the Interior; it has the approval of the members of the Indian Affairs Committee who are present in the city; and no one is against it that I know of. The matter will have to be acted on within a month, otherwise the work will have to stop. I ask for its present consideration. It is a very short bill.

Mr. SMOOT. Let it be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to provide for the payment of drainage assessments on Indian lands in Oklahoma," approved July 19, 1912 (37 Stat. L., p. 194), be, and the same is hereby,